

By Mr. HARRISON of Mississippi: Petitions of citizens of Lumberton, Pascagoula, Moss Point, Gulfport, Ocean Springs, and Biloxi, Miss., favoring the enactment of laws regulating express and postal rates; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Lumberton, Moss Point, Pascagoula, Gulfport, Biloxi, and Ocean Springs, Miss., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petition of Logan Valley Grange, No. 664, Patrons of Husbandry, State of Pennsylvania, favoring passage of House bill 19133, for Government system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: Petition of citizens of Arizona, against passage of general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HELGESEN: Petition of North Dakota farmers, favoring passage of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of North Dakota citizens, against passage of any parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Petition of North Side Board of Trade, in the city of New York, favoring improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. LINDSAY: Petition of Associated Fraternities of America, favoring passage of Dodds amendment to the House postal appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petitions of Henry Siegel, of New York; Frank E. Vogel, of Brooklyn, N. Y.; and Retail Dry Goods Association of New York City, favoring passage of limited parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MCCOY: Petition of Bank of New York, favoring immediate action on emergency bill to repair the levees along the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the Bergen County Pomona Grange, No. 11, of Preakness, N. J., favoring passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of New Jersey State Grange, favoring passage of House bill 19133, relating to postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of Metal Polishers' Union, of Newark N. J., and United Brotherhood of Carpenters and Joiners of America, of Belleville, N. J., favoring passage of House bill 22339, prohibiting use of stop watch for Government employees; to the Committee on Labor.

Also, resolution of registration committee of the Amateur Athletic Union, held in New York City April 4, 1912, favoring appointment of a commissioner to represent the United States Government at the coming Olympian championships; to the Committee on Foreign Affairs.

By Mr. MARTIN of South Dakota: Petition of Black Hills Presbytery at Rapid City, S. Dak., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NYE: Resolution of Minneapolis Civic and Commerce Association, favoring legislation providing for mental examination of immigrants; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of citizens of Chatham, Middlesex County, Conn., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of 33 citizens of Allen, Mich., protesting against House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of Associated Fraternities of America, of Lincoln, Nebr., favoring passage of Dodds amendment; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petitions of Dudley & Beckwith, of Guilford; Manufacturers' Association, of Hartford County; and the International Silver Co., of Meriden, Conn., protesting against proposed legislation to deprive a manufacturer from fixing and enforcing retail prices on his patented articles; to the Committee on Patents.

By Mr. TOWNER: Petition of 25 citizens of Hamburg, Iowa, protesting against the enactment of the proposed parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Petition of the Chamber of Commerce of San Diego County, Cal., against House bills 11372 and 20576, prohibiting the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, joint resolution of the city council of Providence, R. I., for enactment of new Federal laws to secure the highest pos-

sible protection for American travelers upon the oceans or the other great waterways of the world; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rhode Island Society for the Prevention of Cruelty to Animals, favoring passage of House bill 17222; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the State of Rhode Island, favoring passage of House bill 22339 and Senate bill 6172, the anti-Taylor system bills; to the Committee on Labor.

By Mr. WILSON of New York: Memorial of P. T. Rowe, bishop of Alaska, relative to conditions among the natives of Alaska; to the Committee on the Territories.

Also, resolution of North Side Board of Trade, in the city of New York, favoring improvement of Bronx Kills, Harlem River, and East River at New York City; to the Committee on Rivers and Harbors.

Also, petitions of the Brotherhood of Railroad Trainmen, Cleveland, Ohio; of the Farm Journal, of Philadelphia, Pa.; of Sovereign Camp, Woodmen of the World, Omaha, Nebr.; of the National Council of the Knights and Ladies of Security, Topeka, Kans.; of the Ladies of the Modern Maccabees, of Port Huron, Mich.; of the Modern Brotherhood of America, Mason City, Iowa; of the Ancient Order United Workmen, of Des Moines, Iowa; of the Woodmen of the World, Dallas, Tex.; of the Associated Fraternities of America, of Lincoln, Nebr.; of the Catholic Order of Foresters, Chicago, Ill.; of the Supreme Conclave, Improved Order Heptasophs, Baltimore, Md.; and of the Supreme Tribe of Ben Hur, Crawfordsville, Ind., favoring passage of Dodds amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of Kings Highway Board of Trade, Brooklyn, N. Y., favoring building one battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of South Side Republican Club, of Brooklyn, N. Y., favoring passage of letter carriers' pension bill (H. R. 9242); to the Committee on Reform in the Civil Service.

## SENATE.

WEDNESDAY, May 1, 1912.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Richard G. Davenport, brother and sole heir at law of Thomas Corbin Davenport, deceased, *v.* United States (S. Doc. No. 622);

Thomas Addington *v.* United States (S. Doc. No. 639);

Elizabeth Sharp, widow of John Sharp, deceased, *v.* United States (S. Doc. No. 638);

Amanda Steadman, widow of Leonard Steadman, deceased, *v.* United States (S. Doc. No. 637);

Mary E. Smith, widow of Albert J. Smith, deceased, *v.* United States (S. Doc. No. 636);

Thomas J. Smith *v.* United States (S. Doc. No. 635);

Courtland D. Slow *v.* United States (S. Doc. No. 634);

Adelaide B. Slaughter, widow of William B. Slaughter, *v.* United States (S. Doc. No. 633);

Cornelia Skofstad, widow of Albert Skofstad, deceased, *v.* United States (S. Doc. No. 632);

Frances Stackpole, widow of Thomas Stackpole, deceased, *v.* United States (S. Doc. No. 631);

Joseph Stanton *v.* United States (S. Doc. No. 629);

Harriet E. Stevens, widow of George C. Stevens, deceased, *v.* United States (S. Doc. No. 630);

Lucinda E. Lancaster, widow of James Lancaster, deceased, *v.* United States (S. Doc. No. 628);

David Murphy *v.* United States (S. Doc. No. 627);

William H. Mickle *v.* United States (S. Doc. No. 626);

Louise S. Palmer, widow of Gustavus M. Palmer, deceased, *v.* United States (S. Doc. No. 625);

Elizabeth M. Rush, widow of David Rush, deceased, *v.* United States (S. Doc. No. 624); and

Helen E. Sturtevant, widow of Josiah H. Sturtevant, deceased, *v.* United States (S. Doc. No. 623).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.



## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, in which it requested the concurrence of the Senate.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. 5670. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

## PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Webb Presbyterian Church, of Middletown, N. Y., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Oshkosh, Wis., remonstrating against the passage of the so-called Owen medical bill, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of Pequawket Grange, Patrons of Husbandry, of North Conway, N. H., praying for the establishment of a parcel-post system, and remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Woman's National Press Association, favoring the enactment of legislation to provide additional triangular parks between Franklin Square and Longfellow Street on Fourteenth Street in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented resolutions adopted by the Woman's National Press Association, favoring the enactment of legislation to pension members of the police and fire departments in the District, which were referred to the Committee on Appropriations.

Mr. BROWN. I present a memorial signed by citizens of my State, remonstrating against the so-called Owen medical bill. I ask that the memorial lie on the table and that it, including the first signature thereto, be printed in the RECORD, without reading.

There being no objection, the memorial was ordered to lie on the table and be printed in the RECORD, including the first signature, as follows:

We, the undersigned citizens of Nebraska, practitioners and believers in various systems of healing, including allopathic, homeopathic, osteopathic, chiropractic, Christian Science, etc., wish to enter our protest against the passage of Senate File No. 1, known as the Owen bill, providing for a national bureau of health.

We consider that the older school of healing has shown by its record of attempted legislation for more than 20 years a desire to secure more power for its own special benefit, without advancing any reasons to show that the general public would benefit thereby; they favor the Owen bill because it is in line with the legislation they have tried to secure.

We are opposed to the use of the Government authority, funds, and other facilities in the interest of any particular school of healing, believing that any system which has merit can establish the same without the aid of Government authority. We claim the right to exercise our individual opinions in the selection of practitioners or systems of healing for our own use.

We believe that a national bureau of health means class legislation and is designed to deny to individuals the rights and liberties for which the citizens of these United States have contended from the beginning. Free government is measured by the liberty enjoyed by individuals, so long as these liberties do not encroach upon the rights of others, and any measures, which might ever be enlarged upon or so construed that they would interfere with medical freedom strike at the very roots of free government.

We ask that you represent the rights of all Nebraska citizens and that you work against this and any similar measures.

Dr. A. S. DOWLER, D. O.,  
David City, Nebr.

Mr. LODGE. I present resolutions adopted by the Massachusetts Legislature, asking Federal protection to migratory

game birds. I ask that the resolutions lie on the table and be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

## THE COMMONWEALTH OF MASSACHUSETTS, 1912.

Resolutions relative to Federal protection of migratory game birds.

Whereas there has been introduced in the Congress of the United States a bill designated as H. R. No. 36, to afford Federal protection to migratory game birds; and

Whereas the Legislature of the State of New York has adopted resolutions favoring such protection and requesting the legislatures of other States of the United States to join in a request for such Federal protection: Now, therefore,

Resolved, That the General Court of Massachusetts hereby requests Congress to enact a law giving ample protection to migratory game birds.

Resolved, That a copy of these resolutions be sent by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

In senate, adopted April 16, 1912.

In house of representatives, adopted in concurrence April 23, 1912.

A true copy.

Attest:

ALBERT P. LANGTRY,  
Secretary of the Commonwealth.

Mr. LODGE. I present a brief protest from business men in New England, remonstrating against the adoption of the Covington amendment to the Panama Canal bill. I ask that the substance of the protest be printed in the RECORD and referred to the Committee on Inter-oceanic Canals.

There being no objection, the protest was referred to the Committee on Inter-oceanic Canals and ordered to be printed in the RECORD, as follows:

We, the undersigned, being actively interested in business in New England which involves the transportation of merchandise to and from southern points to New England, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal provides that "it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government and in the authority granted to the Interstate Commerce Commission. We do not, however, believe in such restriction or limitation of investment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it especially important for the great industries of New England that under their proper restrictions railroads should be allowed to develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South. We believe that with the opening of the Panama Canal it is of greatest importance that there shall be adequate transportation facilities by water between New England and the Gulf cities.

Therefore we protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of transportation by water and as thus retarding the development of New England's commerce with southern and Pacific ports, and we urge New England Congressmen to do everything in their power to defeat the amendment.

Mr. JOHNSON of Maine presented memorials of sundry citizens of Dover, Foxcroft, Waterville, Oakland, Fairfield, Gardiner, and Winslow, all in the State of Maine, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. ASHURST presented a resolution adopted by members of the United States grand jury, empaneled at the April, 1912, term of the United States District Court for the District of Arizona, favoring the enactment of legislation to denounce as a crime the actions of every Indian who in any manner uses or acquires for himself or others any intoxicating liquor, or who in any manner induces any other person to secure intoxicating liquor for himself or any other person, which was referred to the Committee on the Judiciary.

Mr. SWANSON presented memorials of sundry citizens of Lynchburg, Alexandria, Fairfax, Richmond, and Norfolk, all in the State of Virginia, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Virginia, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Roanoke, Va., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

Mr. SHIVELY presented a memorial of sundry citizens of Gary, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CLAPP presented resolutions adopted by members of the Civil Engineers' Society of St. Paul, Minn., favoring the establishment of a court of appeals in patent cases, etc., which were referred to the Committee on Patents.



Mr. SMITH of Arizona. I present a resolution adopted by the Yuma County Water Users' Association in Arizona, which I ask may be referred to the Committee on Irrigation and Reclamation of Arid Lands to accompany the bill (S. 6621) to amend section 3 of the act of February 21, 1912, relating to the disposition of surplus irrigating waters.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Irrigation and Reclamation of Arid Lands to accompany the bill.

#### LOSS OF THE STEAMER "TITANIC."

Mr. WORKS. Mr. President, I have here a very clear, considerate, and apparently unbiased statement of the circumstances and incidents of the sinking of the ship *Titanic*, by Mrs. W. M. Clark, of Los Angeles, Cal., one of the survivors, and whose husband went down with the ship.

This matter is under investigation by a Senate committee. Personally I deplore the fact that the investigation was entered upon at all. This was a British ship, manned by British subjects. The investigation, at least in the first instance, should have been undertaken by the British Government.

The investigation, it seems to me, has gone to unreasonable and unwarranted lengths in undertaking to ascertain the particular details and incidents of that unfortunate disaster which we might very well have been spared. The things the Senate ought to know, if it is to be informed by an investigation of that kind, might have been ascertained in a very few hours, without going into all these unnecessary and soul-harrowing details. I desire to have the statement referred to the Committee on Commerce. It was prepared in the quiet of the home by one of the unfortunate people who was there upon the ship. It is so fair and apparently just in giving the details, that I ask that it may be printed in the Record without reading.

There being no objection, the statement was referred to the Committee on Commerce and ordered to be printed in the Record, as follows:

[From the Tribune, Los Angeles, Cal., Thursday, Apr. 25, 1912.]

MRS. W. M. CLARK HOME—TELLS OF "TITANIC"—WIDOW OF SEA-WRECK VICTIM PRAISES MEN AND WOMEN FOR BRAVERY, SETTING EXAMPLE TO MAKE WHOLE WORLD BETTER.

(By Mrs. Walter Miller Clark.)

Mrs. Walter M. Clark, widow of the only son of J. Ross Clark, who was lost in the wreck of the *Titanic*, arrived in the city on the Los Angeles Limited yesterday afternoon in as good physical and mental condition as could be expected after passing through the ordeal that was her lot from the time the ill-fated ship struck the iceberg until Mrs. Clark was picked up by the steamer *Carpathia*. Mrs. Clark gave the press the following statement:

"My husband and I boarded the *Titanic* at Southampton, somewhat delayed in starting from that place owing to an accident that had delayed the *Titanic* at Liverpool in colliding with another vessel. All the way over we had most beautiful and calm weather; in fact, up to the time of the accident the sea had been like glass. We had seen no ice anywhere, nor were we aware of the presence of ice floes until the afternoon of the calamity.

#### NO SHOCK FROM IMPACT.

"I had retired to my stateroom about 11.30 Sunday, when the *Titanic* struck the iceberg. There was no shock from the impact that in any way startled me. However, I knew something had occurred out of the ordinary and looked out of my stateroom porthole, and it seemed to me that we were passing another ship, but this may have been ice in the near vicinity. It aroused my curiosity enough, however, to prompt me to dress and go out on the promenade deck, where the smoking room is located, and where I knew my husband was with friends. There was absolutely no excitement at that time.

"My husband, seeing me at the door of the smoking room, came out to me apparently unconcerned, and said that they had also felt a slight shock, but had paid no attention to it, being assured by the officers of the boat that all was well, that some ice had been struck, but that we were on the way again, and everything apparently had been done in the way of closing the water-tight compartments, and everybody was assured that there was no danger of any kind.

#### NO PANIC ON BOARD.

"I remained on deck some 15 or 20 minutes, conversing with other people, and my husband returned to the smoking room. From this it can be seen that there was no panic on board at that time. Some few minutes later I returned to my stateroom, and on the way down I met a man coming up with a life preserver around him. I asked him the reason, and if he were alarmed, and he replied that all the passengers had been ordered to the top deck with life preservers. I then returned to the smoking room and told my husband that we had been ordered above with life preservers, and we returned to our stateroom. He took off his evening dress and put on an ordinary suit and heavy underwear, and I did likewise. We took with us our heavy overcoats and I my furs—also two life preservers—with other valuables we could pick up. My husband also saw that I was provided with money in case we should become separated.

#### PERFECT DISCIPLINE.

"We then went to the main deck, where, as yet, no attempt had been made to man the boats, and discipline seemed perfect among the crew, and no condition of panic prevailed among the passengers. We conversed in groups on the deck. I remember I was with Mr. and Mrs. Straus, Mr. and Mrs. Astor, my husband, and some others, when an officer approached and said that while they felt no alarm for the safety of the ship, it was thought best, owing to the fact that the *Carpathia* had been communicated with and was heading toward us, that the women and children be put aboard the lifeboats, with sufficient of the crew to man same, prepared to leave the ship. This was perhaps an hour after we struck the iceberg. Even then there was no rush for the

lifeboats. I saw two or three boats lowered, which were filled with as many men as women. The rest of us, however, remained on deck, assisting in loading these boats with children and women of both second-class and steerage passengers.

#### ALL WOMEN ORDERED IN BOATS.

"A little while later the officer again approached us and said it was imperative that all the women leave the ship, that the men could not leave until the women had been provided for, and that it was extremely urgent that we immediately take to the lifeboats in order that the men could be taken care of as soon as we were out of the way. I was placed in a lifeboat along with Mrs. Astor and Mrs. Hayes and about 40 others, among them being the ship's quartermaster and a sailor named McCarthy, who conducted themselves most commendably. I must particularly praise the brave and unselfish actions of the latter after leaving the *Titanic*.

"At the time of our leaving in the lifeboats the men of our party even then seemed unconcerned and failed to realize the danger that the steamer was in. Mrs. Straus absolutely refused to leave her husband. Mr. Astor, just before our boat was lowered, asked permission to accompany his wife, but was refused. He made no protest whatever and retired, joining my husband, and the two of them, together with Maj. Butt and others, rendered assistance in filling the lifeboats with passengers.

#### CLARK FEELS SAFE.

"My husband seemed cool and collected all the time, and told me that he would not leave the ship until all the women and children had been cared for. I know from the way he bade me good-by that he felt no apprehension and fully expected to join me later. There was room for 15 others in our boat, and these men could have been taken as well as not. The night was clear, although no moon was shining. The stars threw much light, which made the ocean quite plain. There was no ice to be seen anywhere. Each lifeboat was equipped with lanterns, so by them we were able to see one another, and orders were given to keep together as much as possible. We had plenty of provisions in the way of crackers and bread in the lifeboats.

"As we rowed away from the ship, which was now listing pretty badly on the port side, it occurred to some of us that we should return to the steamer, as we had room aboard for 15 more, at which proposal many of the women became hysterical and endeavored to dissuade us from doing so, even going so far as to impede the rowers in their efforts to carry out the plan of the more deliberate and cool. There was a great deal of commotion in our boat then.

#### PRAISE FOR MRS. ASTOR.

"I can not say too much for the bravery of Mrs. Astor in this connection. She, among others, insisted that the boat be returned to the steamer. All this time the lights on board the steamer were gleaming brilliantly, and we could see her looming up silhouetted against the darkness. She was sinking, however, very fast, and as we approached her the *Titanic* sank, followed by two almost simultaneous explosions. There was little or no suction felt as the steamer went down, owing, perhaps, to the fact that she sank prow foremost.

"We rowed about the scene of the disaster all night and picked up eight men out of the water, two of whom subsequently died of exposure and one lost his mind. We had nothing in the way of stimulants with which to revive these men, but worked over them almost all night, the women taking off their coats and furs to provide warmth for them.

"I am sure that we saw three or four fishing smacks in the vicinity. We knew that they were not other lifeboats for the reason that lights could be seen high above, as if on masts, and the *Carpathia* had not at that time appeared in sight.

#### LIFEBOATS PICKED UP.

"Some of the lifeboats were picked up by the *Carpathia* at 4.30 in the morning following, but it was not until about 8.30 that we were rescued.

"When the *Titanic* went down and the lights from it had disappeared we could hear all about us the most heart-rending moans and cries for help of those who had gone down with the ship and came up, again to perish within our hearing in the darkness.

"I can not say too much for the noble assistance we received from the crew and passengers aboard the *Carpathia*. Everything possible was done for our comfort and the care of those who had suffered from exposure. The *Carpathia* cruised about the scene of the wreck for about eight hours, but found no bodies or other evidences of the disaster. The *California* came in sight and laid alongside us, and on our departure, by signals, promised to remain for 48 hours near the scene of the wreck.

"I wish to say that so far as I could see the discipline maintained on the *Titanic* after the accident was of the very best, and I saw no brutal conduct or drunkenness. The world can not help but be bettered by the example of these brave men, who gave their lives that others might live."

#### REPORTS OF COMMITTEES.

Mr. GUGGENHEIM, from the Committee on Public Lands, to which was referred the bill (S. 6551) to amend section 3 of an act entitled "An act to provide for an enlarged homestead," reported it with an amendment.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 5507) for the relief of A. W. Cleland, jr., reported it without amendment and submitted a report (No. 685) thereon.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 3452) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary, and for damages for illegal arrest while making said survey, reported it with amendments and submitted a report (No. 686) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (S. 4791) authorizing the patenting of certain lands to rural high school district No. 1, of Nez Perce County, Idaho, reported it with an amendment and submitted a report (No. 687) thereon.

Mr. BROWN, from the Committee on the Judiciary, to which was referred the bill (S. 2371) to amend section 3224 of the



United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—reported it with an amendment and submitted a report (No. 688) thereon.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHILTON:

A bill (S. 6630) to correct the military record of William Dunsford, alias William King; to the Committee on Military Affairs.

A bill (S. 6631) granting an increase of pension to Oscar C. Black; and

A bill (S. 6632) granting an increase of pension to Hiram Campbell; to the Committee on Pensions.

By Mr. SWANSON (for Mr. MARTIN of Virginia):

A bill (S. 6633) to correct the military record of Charles Anderson (with accompanying paper); to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 6634) granting an increase of pension to Charles Mays (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6635) granting an increase of pension to Margaret J. Grable; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 6636) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army; to the Committee on Military Affairs.

By Mr. BORAH:

A bill (S. 6637) granting a pension to Reinhard Anschütz (with accompanying paper);

A bill (S. 6638) granting an increase of pension to George H. Batchelder (with accompanying paper);

A bill (S. 6639) granting an increase of pension to John P. Glenn (with accompanying paper);

A bill (S. 6640) granting a pension to Robert Hamilton (with accompanying paper);

A bill (S. 6641) granting a pension to Robert Riley Lorton (with accompanying paper);

A bill (S. 6642) granting an increase of pension to William A. Stewart (with accompanying paper);

A bill (S. 6643) granting an increase of pension to William Turnbeaugh (with accompanying paper); and

A bill (S. 6644) granting a pension to A. J. Henderson; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6645) granting an increase of pension to William Dawson (with accompanying paper); to the Committee on Pensions.

#### AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. ROOT submitted an amendment proposing to increase the appropriation for improving harbor at Ogdensburg, N. Y., from \$20,000 to \$87,970, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of the Great Chazy River and the Little Salmon River, State of New York, intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed and, with accompanying papers, referred to the Committee on Commerce.

#### CREEK ALLOTMENTS.

Mr. OWEN submitted an amendment proposing to carry into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

#### INTERNATIONAL HARVESTER CO.

Mr. LEA submitted the following resolution (S. Res. 300), which was read:

*Resolved by the Senate,* That the response of the Attorney General to the resolution of the Senate of March 18, 1912, calling for correspondence and information relative to the International Harvester Co., be returned by the Secretary of the Senate to that officer, for the reason that it is not a proper response to the resolution of the Senate.

Mr. LEA. I ask that the resolution may be printed and lie on the table.

The VICE PRESIDENT. The resolution will be printed and lie on the table.

Mr. LEA submitted the following resolution (S. Res. 301), which was read:

Whereas the proposed settlement between the United States and the International Harvester Co., by which the so-called Harvester Trust was to have been permitted to reorganize and to bring its organization and business within the Sherman antitrust law as construed by the Supreme Court, has been abandoned and suit has been instituted by the United States to dissolve the International Harvester Co.; and Whereas the facts developed in the attempted settlement between this company and the United States, and the differences that resulted in a failure to agree upon the terms of dissolution of the so-called Harvester Trust, will be of interest and importance in considering proposed amendments to the Sherman antitrust law: Therefore be it

*Resolved,* That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information he may have upon this subject, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto, from January 1, 1904, to the present time.

Mr. LEA. I ask that the resolution may be printed and lie on the table.

The VICE PRESIDENT. The resolution will be printed and lie on the table.

#### HOUSE BILL REFERRED.

H. R. 20840. An act to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia was read twice by its title and referred to the Committee on Appropriations.

#### CALLING OF THE ROLL.

The VICE PRESIDENT. The morning business is closed.

Mr. SHIVELY. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Myers	Shively
Bacon	du Pont	Nelson	Simmons
Borah	Fall	Newlands	Smith, Ariz.
Bourne	Fletcher	Nixon	Smith, Ga.
Brundage	Foster	O'Gorman	Smith, S. C.
Bristow	Gallinger	Oliver	Stephenson
Brown	Gronna	Overman	Sutherland
Burnham	Guggenheim	Page	Swanson
Burton	Heyburn	Paynter	Thornton
Catron	Hitchcock	Percy	Tillman
Chamberlain	Johnson, Me.	Perkins	Townsend
Chilton	Johnston, Ala.	Poindexter	Warren
Clark, Wyo.	Jones	Pomerene	Watson
Clarke, Ark.	Lea	Rayner	Wetmore
Crawford	Lippitt	Reed	Williams
Cullom	Lodge	Richardson	Works
Cummins	McLean	Root	
Davis	Martine, N. J.	Sanders	

Mr. SHIVELY. I desire to state that my colleague [Mr. KERN] is unavoidably absent from the city.

Mr. TOWNSEND. I wish to state that the senior Senator from Michigan [Mr. SMITH] is unavoidably absent on the business of the Senate.

Mr. FLETCHER. I desire to state that my colleague [Mr. BRYAN] is unavoidably absent from the city.

Mr. SWANSON. I will state that my colleague [Mr. MARTIN] is detained from the Senate on account of illness in his family.

The VICE PRESIDENT. Seventy Senators have answered to the roll call. A quorum of the Senate is present.

#### LAND AT MAGDALENA BAY (S. DOC. NO. 640).

A message, in writing, was received from the President of the United States by his executive clerk, Mr. Latta.

Mr. LODGE. Mr. President, I ask that the message may be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Secretary read as follows:

*To the Senate:*

In response to the Senate's resolution of April 2, 1912, requesting the President, "if not incompatible with the public interest, to transmit to the Senate any information in possession of the Government relating to the purchase of land at Magdalena Bay by the Japanese Government or by a Japanese company," I transmit herewith a report by the Secretary of State on the subject.

WM. H. TAFT.

THE WHITE HOUSE, April 30, 1912.

(Inclosure: Report as above.)

Mr. LODGE. Mr. President, I ask that the report of the Secretary of State may be read.

The VICE PRESIDENT. Without objection, the report will be read.

The Secretary read as follows:

*The President:*

The undersigned, Secretary of State, has the honor to report as follows in regard to the resolution adopted by the Senate on April 2, 1912,



requesting the President, "if not incompatible with the public interest, to transmit to the Senate any information in the possession of the Government relating to the purchase of land at Magdalena Bay by the Japanese Government or by a Japanese company."

The first request of the resolution is for information relating to the purchase of land at Magdalena Bay by the Japanese Government and presents itself in two aspects, the first being the acquisition of land directly by the Japanese Government, and the second being the potential acquisition of land by the Japanese Government through its preliminary acquisition by a Japanese company. The Department of State has no evidence whatever adequate to show any acquisition of land or any intention or desire to acquire land, whether directly or indirectly, in Mexico by or on the part of the Imperial Japanese Government. Not only is this true, but, doubtless in depreciation of singularly insistent rumors to the opposite effect, both the Imperial Japanese Government and the Government of Mexico some time ago made public official declarations to the effect that there was no basis to the rumors in question.

The second request of the resolution is for information relating to the purchase of land by a Japanese company. Rumors regarding this appear to have arisen from efforts made by an American syndicate to dispose of certain lands which they claimed actually or potentially to own or control in the vicinity of Magdalena Bay. This American syndicate, according to the department's information, entered upon negotiations for the sale of the lands to a Japanese syndicate. The attorney for the American syndicate, in person and by letter, sought a statement as to the attitude the department would take toward such a transaction. In connection with these inquiries there was evidence that the American syndicate felt or knew that Japanese capitalists would not care to consummate the purchase of the lands without the approval of the Japanese Government, and that in view of the location of the lands in question, the well-known American policy to which these reports had been related in some quarters, and indeed its usual friendly consideration for the United States, the Imperial Japanese Government would not give such approval unless assured that the transaction would be unobjectionable to the Government of the United States.

This department replied to the attorney that it was difficult categorically to answer the inquiries made, but that the fact (very likely fully realized by him) ought not to be disguised that such a transfer would be quite certain to be interpreted in some quarters in a manner to cause a great outcry, and that such a result would be so obviously a cause of regret to the Government of the United States that it would appear unnecessary further to comment upon the disposition of the Federal Government in the premises.

Subsequently the American interests concerned set about making arrangements for cooperation with Japanese investors in the formation of a company for the working of the lands in accordance with some plan which they hoped the Government of the United States might be willing to pronounce unobjectionable. The same attorney of the Americans interested later roughly outlined to the department the idea of a scheme by which the Japanese investors should hold a 35 per cent interest in the company with an option for a further 15 per cent interest, the American syndicate to retain control of the property, with a majority of the board of directors and the president and manager of the company to be Americans.

A statement of the attitude of the department with respect to this general scheme was then sought by the attorney of the American interests. To his inquiry the department replied in January last that the intimation of changes in the project neither persuaded the department to add anything to its former statement nor made it feel called upon to say whether or not it might at any time see reason to disfavor such a project. It was added that these were the sole remarks the department had to make with only such general and insufficient information before it.

Since this reply the files of the Department of State do not disclose any further communication with the Americans interested in the lands or their attorney either in regard to the proposed sale of the lands to a Japanese syndicate or in respect to the mooted arrangement for Japanese participation in an American company.

Thus both correspondence and oral communication have assured on the part of the Americans concerned a full realization of the interest of this Government in the character of any such transactions as those discussed, and in the absence of any new information the department can not assume that there is on foot any project calling for action on the part of the Government of the United States.

Adverting once more to the text of the resolution, the undersigned has the honor to say, by way of recapitulation, that there is nothing on file in the Department of State that has justified any inference that the Mexican Government or the Imperial Japanese Government has been occupied with any disposition of land near Magdalena Bay by which the latter Government would acquire land there for any purpose.

In these circumstances the Department of State felt no necessity for further steps in the matter of any of these rumors, which are of a kind that all too frequently occur to the detriment of public opinion in the respective countries and are so alien to the cordial relations of the Governments concerned.

However, his excellency, the Japanese ambassador, informed the department that he had apprised his Government of the rumors in question, which had become well known through the public press; and subsequently his excellency made, with his Government's authorization and merely for the information of the Department of State, an unreserved and categorical denial of the rumored purchase of land at Magdalena Bay by the Imperial Japanese Government or by a Japanese company, characterizing the report as entirely sensational and utterly without any foundation whatever, the Japanese Government having never directly or indirectly attempted or contemplated the acquisition of any land at Magdalena Bay for any purpose.

Respectfully submitted,

P. C. KNOX.

DEPARTMENT OF STATE,  
Washington, April 27, 1912.

Mr. LODGE. Mr. President, before this message takes the usual course, I desire the indulgence of the Senate for a few moments that I may say a word in regard to this matter, because the message is in reply to a resolution which I introduced.

I did not introduce that resolution unadvisedly or with any ulterior motive. It seemed to me, from the information I had received, that there was a situation in existence in regard to the land about Magdalena Bay which might become a cause of difficulties and misunderstandings, unless some steps were

taken to make the position of the United States very clear in regard to it. The report of the Secretary of State is very clear and satisfactory upon this subject. It is evident, of course, that the Japanese Government, as such, has never attempted any purchase there, and I never supposed that it had, although as a matter of form my resolution covered that point. It will be observed, however, in the statement of the Secretary of State that attempts have been made to sell the land in the neighborhood of Magdalena Bay to a company in which Japanese subjects were to hold a large if not a controlling interest. I should like very briefly to add a little in that direction to the statement made by the Secretary of State.

I do not question in the least the entire correctness of the attitude of the Japanese Government or that the Department of State has taken every proper means to make our attitude clear. But I think it is just as well that the Senate should know exactly what has happened in connection with Magdalena Bay, so far as I have been able to discover.

Some years ago the Mexican Government made a large concession of land, some 4,000,000 acres, running along the coast of Lower California, lying between the mountains and the sea, and including Magdalena Bay, to an American named Floris Hayes. He transferred his concession to another American named Edwards, and he, in turn, transferred the concession to a man named Lakin.

Under Mr. Lakin's auspices a company was chartered under the laws of the State of Maine, called the Chartered Co. of Lower California. The company did not prosper. In its efforts to sustain itself it borrowed \$200,000 from the J. E. Henry Co.—or from Mr. J. E. Henry himself, who, I believe has since died—which is a very large lumber firm in New Hampshire. The Chartered Co. became bankrupt and its property passed into the hands of the creditors, the holders of the Henry loan. A holding company was formed called the Magdalena Bay Co., which took all the stock and bonds of the Chartered Co. and issued certificates. Those certificates are in the hands of the J. E. Henry Co., and, therefore, the actual control of that property is with them. They very naturally have been making efforts to dispose of the property in order to reimburse themselves for their debt. Various promoters have been trying to sell the property—on commission, presumably—and have been endeavoring to form syndicates for its purchase.

In the report of the Secretary of State, just read, which the President has transmitted, it is stated that the department was consulted about one of these propositions, which was to sell the property about Magdalena Bay to a company which should consist of Americans and Japanese, the Japanese holding 35 per cent of the stock, with an option to take 15 per cent more. Those negotiations have not been consummated, although there is a sale at present under consideration, I believe, to a company said to be exclusively American. There is, however, no doubt that efforts have been made to sell that property to a syndicate in which there was a large Japanese interest.

Now, Mr. President, what I desire to call the attention of the Senate to particularly is this: Magdalena Bay lies near the end of Lower California. It has at the present moment no commercial value. There is an industry there, and has been for some years, in the gathering of sea moss called "orchil," which is used for dyeing purposes. It has been a prosperous industry at times, but never a very large one. There have been reports of oil being found in that neighborhood and also reports of minerals, but there are neither mines nor wells, and there certainly is no commerce there. The land in its present condition is very largely desert, and I think while possibly in the future it may be developed industrially and commercially, at the present moment there is no commercial or industrial development of any importance. There are, of course, no railroad connections of any sort.

The peninsula of Lower California, although it belongs to Mexico, is a part of our coast, a continuance of the coast of California, separated from Mexico, as everyone is aware, by the Gulf of California. It connects with Mexico at the upper end by a narrow strip through which pass the mouths of the Colorado, which are of very great interest to us. This upper part of Lower California has been used as a seat of insurrection and as a refuge for outlaws and bandits from Mexico during the recent troubles in that country.

There is, as I have said, no railroad connection on the peninsula, and Magdalena Bay can have no value whatever at the present time except a military and strategic value. Its military and strategic value, however, is very great indeed. It lies there, a fine bay, at a point on the coast nearly midway between San Francisco and Panama—I am not sure of the distances, but it is approximately midway. Nobody would think of buy-



ing that property at Magdalena Bay at the present time and of paying a large sum for it except for its military value as a coaling station and naval base.

There is no doubt, Mr. President, as the Secretary of State said in his report, that efforts have been made by subjects of Japan—it has been stated, I do not know on how good authority, that some of them were directors and large stockholders in the Oriental Steamship Co.—to get possession of the title to the land about Magdalena Bay. The situation happily has not yet arisen. I do not wish it to arise. It is the part of wise policy and wise diplomacy to anticipate any situation which may give rise to difficulty or misunderstanding with any friendly nation.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. Certainly.

Mr. GALLINGER. I should like to inquire of the Senator precisely what the J. E. Henry Co. had in view when they made that loan of \$200,000? Was it a lumber proposition that did not materialize?

Mr. LODGE. No, Mr. President. I understand—I was so informed by their counsel—that Mr. Henry became interested in the project as it was laid before him and thought that this great tract of land lying along the coast would be of large value, and he advanced money in the regular course of business to the promoters of the chartered company in the hope that it would enable them to develop the property. It was a perfectly legitimate and proper transaction in every respect.

Mr. GALLINGER. I made the inquiry for the reason that Mr. Henry, who has recently died, was a very wise business man, and his operations in New Hampshire have been wholly confined to the lumber industry, in which he made a great fortune.

Mr. LODGE. I am aware of that fact. He made a fortune, and, as I have stated, that is the only reason, as I understand, why he became interested. He thought the property would be of value.

Mr. President, as I was saying, the situation now is harmless and we wish it to remain so. We do not wish a situation created there from which it would be in the least troublesome or disagreeable for a friendly nation to withdraw. It is better to have the matter in such a position that no situation can arise which will in the least involve us in discussion or differences with a friendly nation. But, Mr. President, the situation is now, as I believe, for the present at least, a perfectly safe one and anything we may do will carry no reflection upon any foreign country. It seems to me, therefore, that the moment is very opportune for the Senate to make a declaration in regard to the statement in Mr. Monroe's message that the American continents are not to be considered as further subjects for future colonization, in order to make it clear that that statement is not confined to government action merely or to colonization under government auspices, but that by the word "colonization" we also cover action by companies or corporations or by citizens or subjects of a foreign State which might do, at a place, for instance, like Magdalena Bay, precisely what the Monroe doctrine was intended to prevent.

The fact that a colony is contemplated at Magdalena Bay composed of citizens or subjects of a foreign Government, who would hold a point of great military value and might establish a coaling station, is just as much to be guarded against by the United States as if it were done directly by a foreign Government. The thin veil of a corporation does not alter the character of the act.

Mr. President, it is clear from the Secretary's report that some of our Japanese friends have been trying to get possession of this land through a syndicate formed by them. They have a fishing concession along that coast now. So have we. So has Great Britain. They have been taking great interest in their fishing concession. They have been surveying the coast. Information has come about their purchase and use of maps. I impute no ulterior motives at all. But the curing of fish and the repair of nets require no possession of great areas of land or of a great harbor.

It seems to me this is a suitable time for the Senate to consider this grave question in connection with the doctrine laid down by President Monroe.

Mr. RAYNER. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. Certainly.

Mr. RAYNER. The Senator from North Carolina [Mr. SIMMONS] said to me he would wait until I could submit a few remarks on this measure.

Mr. LODGE. I had very nearly concluded.

Mr. SIMMONS. If the Senator from Maryland will permit me for a moment, I will state that I now prefer to wait until the morning hour is over, when, at 2 o'clock, the unfinished business will be laid before the Senate.

Mr. RAYNER. I wish to say merely a word to the Senator from Massachusetts.

This is a very important message from the President in response to the resolution of the Senator from Massachusetts. I have just hurriedly looked over it. I have not had an opportunity to examine it. When the Senator from Massachusetts shall have finished I may possibly submit a few remarks on the subject.

I wish to ask the Senator from Massachusetts a question. Suppose the owners of this Magdalena Bay enterprise should sell to Japanese subjects—either individuals or corporations—without the sanction of the Government of Japan. Suppose they should transfer their rights on Magdalena Bay to a Japanese subject, just as they would transfer it to a British subject or a French citizen. Would the Senator from Massachusetts claim that this violated the Monroe doctrine?

Mr. LODGE. It certainly does not violate any principle of international law. I quite agree to that.

Mr. RAYNER. The Monroe doctrine.

Mr. LODGE. I think it depends altogether on what is done. The Monroe doctrine is not international law.

Mr. RAYNER. I understand that, of course.

Mr. LODGE. Of course the Senator understands that.

Mr. RAYNER. I am putting this simple question to the Senator from Massachusetts; put it upon any doctrine you want: If the American interests who own this enterprise should sell their interest to subjects of Japan, without the sanction of the Japanese Government, would the American Government have the right to interfere?

Mr. LODGE. The Monroe doctrine is a policy adopted by this country, after careful consideration, for its own protection and defense. The right of a citizen of another country or of a corporation of another country to buy land on the coast of Lower California or upon our coast or elsewhere is a legal question, but the question here is whether such action interferes with the principles of the Monroe doctrine. We do not base the Monroe doctrine on international law. We have the right, for our own self-preservation, in my judgment, to protect that doctrine at all points and to take such steps as may be necessary to do it.

Mr. HEYBURN. If the Senator from Massachusetts will permit me to go further, we have statutes that make it a criminal offense for any American citizen or person subject to our laws to enter into any such negotiations, waiving the Monroe doctrine.

Mr. LODGE. That would be a negotiation with a foreign Government?

Mr. HEYBURN. With anyone, to be turned over to a foreign Government having in view its use in future military operations.

Mr. RAYNER. I should like the Senator from Idaho to point out any statute we have which would prohibit subjects of Japan from selling lands—

Mr. HEYBURN. No; there is no use of misstating the proposition in the beginning. I said citizens of the United States. I did not say subjects of Japan.

Mr. RAYNER. I should like the Senator from Idaho to point out a statute prohibiting an American who has acquired lands in Mexico from selling them to a subject of Japan. There is no such statute on the books.

Mr. LODGE. The statement I make is based on—

Mr. HEYBURN. The Senator will permit me; I do not want to be left in a wrong position. The Senator makes an erroneous statement of what I said and then denounces it as having no foundation in law.

I may have occasion hereafter to say something on this subject, and if I do so I will produce in support of anything I may say a respectable authority.

Mr. LODGE. There is no doubt, from the facts brought to my attention from those who are interested in the sale of this land, that this is simply an effort to recover money due to them as creditors. There is no question that there was a plan of establishing a Japanese colony or a Japanese settlement, or whatever you may wish to call it, on Magdalena Bay. It does not exist now. The negotiations have thus far failed. But it is upon that point I desire the consideration of the Committee on Foreign Relations first and then of the Senate. Under modern conditions there has been a great change. Of course, the Monroe doctrine was intended to apply to the methods by which establishments could be erected by foreign Governments on the American coast.



Mr. BACON. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. BACON. I simply wish to say I do not consider that the question involved here is one to be tested by the Monroe doctrine, necessarily. If our interests required, we could proclaim a new doctrine; and it seems to me that is really the thing for us to consider. Outside of whether this is technically or in substance an infraction of the Monroe doctrine, the question is whether we would consent to the acquisition by any Government, actually in its own name or through any organization of its citizens, to secure the control of such a place as Magdalena Bay, where there could be established a naval base which would be dangerous to our own peace and safety.

I do not think we are limited to the question whether it is an infraction of the Monroe doctrine. The question is whether the present presentation is such as to call upon us to consider the question whether we will proclaim it as a doctrine, that we will not permit the acquisition by a foreign Government, either nominally or actually, of a harbor, or of a point of strategic importance which would be a menace to us in time of war.

Mr. LODGE. Mr. President, I agree with the Senator from Georgia that this is a matter where, if it is necessary to make a new declaration of policy, it should be made. In my own belief, under the phrase relating to colonization, the declaration of the meaning of that word as now understood would cover it.

Mr. FALL. I will ask what the concession is. In other words, what is the purpose and what is the consideration running to the Government for granting this concession?

Mr. LODGE. I have not examined the terms of the concession. In a general way I may say that it is a concession granted to a certain man, with a view to the development of this great tract of land; I have heard it stated that it was 350 and again 450 miles along the coast, containing over 4,000,000 acres.

Mr. FALL. Was not the consideration for the concession that this company should improve Magdalena Harbor itself?

Mr. LODGE. I have seen the prospectus of the company. The improvement of the harbor was incidental. They expected to find minerals, to develop the sea-moss industry, and to develop cattle raising in suitable regions.

Mr. FALL. Does not the concession give to those taking it over and performing the conditions the absolute control of Magdalena Bay?

Mr. LODGE. Absolutely; unquestionably.

Mr. CUMMINS. I understand that this concession is now owned by American citizens?

Mr. LODGE. It is controlled by the creditors of the company.

Mr. CUMMINS. Is there anything in international law or in our relations with Mexico which would prevent the Government of the United States from becoming the owner of the concession by purchase?

Mr. LODGE. Nothing that I am aware of.

Mr. FALL. There is in the Mexican laws and constitution.

Mr. LODGE. The Mexican Government can not, under the constitution of Mexico, part with its territory.

Mr. CUMMINS. I understand she has parted with it to an American citizen.

Mr. LODGE. Parted with the title, not the sovereignty.

Mr. CUMMINS. I do not mean the sovereignty. If the United States were to become the owner, would it disturb our friendly relations with Mexico?

Mr. LODGE. I can not answer the question as to what our relations would be. Mexico is somewhat disturbed at present. There would be nothing unfriendly about it.

Mr. CUMMINS. Perhaps the Senator from New Mexico could explain that.

Mr. HITCHCOCK. Mr. President, we on this side can not hear a word.

Mr. FALL. In answer to the suggestion of the Senator from Iowa, I will say that in every Mexican concession there is a provision that under no circumstances shall the concession be transferred to any foreign Government. That is in every concession which has ever been granted by the Mexican Government.

It further carries with it a provision that a company to operate the concession or to carry out the purposes of the concession shall be a Mexican company, whether organized in the United States or a foreign country or not. It must file articles of incorporation in the proper place in Mexico, and by filing its articles it becomes a Mexican company.

There is always a provision that under no circumstances shall a concession be transferred to any foreign Government.

Mr. CUMMINS. That, I assume, would be equally prohibitory against Japan.

Mr. LODGE. The Japanese Government.

Mr. CUMMINS. It would be absolutely impossible for Japan to become the owner of the concession.

Mr. LODGE. I never suggested that. If that were the case, it is all answered by the statement of the President. The Japanese Government has done nothing of that kind. Its conduct has been absolutely correct. It is the indirect method of—

Mr. McCUMBER. What is the danger, if no other nation can obtain either sovereignty or title?

Mr. LODGE. The danger is this: I thought I had made it plain that under the possession of a company owned in whole or in part by the citizens or subjects of a foreign power, a colony of their people can establish at Magdalena Bay a coaling station and can acquire possession of a bay, under the title of the company from whom they buy, which would be of enormous military value.

That situation does not exist. It is because I do not want it to exist that I bring the matter to the attention of the Senate and that I introduced the resolution originally.

Mr. McCUMBER. If there can be no colony planted, that is, if the jurisdiction of no other Government can attach, it would not be a colony of that Government, and I fail to see the danger because the citizens of one foreign nation may settle there, still being subject to the jurisdiction of the Mexican Government.

Mr. LODGE. I think it would make very little difference to the people of the Pacific coast whether there was a large Japanese colony there under government auspices or whether there was a large Japanese colony there under their own auspices as the representatives of a company. I think it would make very little difference from a strategical view whether the coaling station was established by the Government or whether the coaling station was established by a Japanese company which the Government could use if it chose. The danger if it would come would be in the fact, not in how it was done.

Mr. President, I did not desire to be led into any debate on this subject. It seems to me a matter of great moment, and I hope it will be referred to the Committee on Foreign Relations, and that that committee will take it up and give it their full consideration and report their opinion to the Senate.

Mr. RAYNER. Mr. President, I desire to submit only a few remarks to the Senate. I had no idea that this message, in response to the suggestion of the Senator from Massachusetts, would come in this morning.

I do not know that I disagree very much with the Senator from Massachusetts, but there is one question that I want to put before the Senate, and a line of distinction that I want to draw, if it is possible to do it, on this subject. I think it is a question of great moment.

As I understand it, there were three enterprises that gave rise to the Senator's resolution. If I am wrong in my statement, the Senator can correct me. The first was a purchase upon Magdalena Bay by an American syndicate of a large quantity of land, I think some four or five million acres, if I am not mistaken. This was a New England corporation, I believe.

Mr. LODGE. Yes.

Mr. RAYNER. They expected to find minerals there and were disappointed. Instead of finding gold they found seaweeds.

Mr. LODGE. If the Senator will allow me—

Mr. RAYNER. Certainly.

Mr. LODGE. They expected a great many things. They expected to develop a great cattle industry, and to find oil, and to develop still further a sea-moss industry, and all that can be imagined in an entirely wild and open country.

There is only one company that has title there. The title is in the Chartered Co. of Lower California, that their creditors hold there.

Mr. RAYNER. I understand there was a large amount of money put into the enterprise originally, some \$400,000 or \$500,000, and some syndicate or estate in New Hampshire is a creditor of the concern.

Mr. GALLINGER. It is, I will say to the Senator, essentially a lumber company, J. E. Henry & Co. I asked the question of the Senator from Massachusetts as to whether or not they had prospects in that direction, and I found they had not. So, undoubtedly, they expected to make money in developing other things.

Mr. LODGE. The Henry Co. was purely a loan company.

Mr. GALLINGER. The Henry Co. does not enter in except as a creditor. It was a mere loan.

Mr. RAYNER. Let us see now how this matter stands. This company made some effort to sell this land, whether to a Japanese syndicate or any other syndicate I do not know. I suppose they would sell the land to anybody who wants to



buy it. It was not a question with the owners of this land as to whom or how the land should be sold. The question was whether they could extricate themselves from the financial difficulty they were in, and it did not make a particle of difference to them whether they sold to a syndicate of Japanese or whether they sold to anyone else anywhere.

I have not read the response to the Senator's resolution, but that was the situation about Magdalena Bay.

Then the Japanese Government was apprised by us of another purchase along the coast some two or three hundred miles south of Magdalena Bay. That is, I understand, a grant of exclusive fishing rights and covering territory of about 700 miles from the Province or State called Tepic to another State some seven or eight hundred miles farther down the coast. Tepic is about two or three hundred miles, I believe, below Magdalena Bay.

Mr. LODGE. Magdalena Bay is very near the end of the peninsula.

Mr. RAYNER. This is much farther down.

Mr. LODGE. I should say it was a hundred miles.

Mr. RAYNER. What is the distance between the State of Tepic and Magdalena Bay?

Mr. FALL. It is several hundred miles. One is on the main coast, while the other is on the peninsula.

Mr. LODGE. Those fishing rights, I understand, have been granted to Great Britain as well as to Japan. I think I may say those fisheries extend all along that coast. They acquire nothing more than the concession for the fishing rights and acquire no title to the land anywhere.

Mr. RAYNER. Of course Mexico would not have any right to grant fishing rights in the open sea. The question is, What rights does she grant within the marine league?

Mr. LODGE. She grants rights within the marine league.

Mr. RAYNER. If the Senator will pardon me, I do not wish to make any mistake. This matter has come up hurriedly. I have not had time to read the response.

There was a third proposition adverted to, but I do not think there is anything whatever about it in the response to the Senator's resolution. There was a well-authenticated rumor that the Japanese Government had acquired a 15-years' grant to the harbor of Salina Cruz, which I think is two or three hundred miles farther down from the point where the fishing rights are granted. The statement that was made was that they had acquired this right to the harbor of Salina Cruz, which is on the western coast, and would give control practically of the Tehuantepec Railroad.

Mr. LODGE. Salina Cruz is not on the peninsula at all.

Mr. RAYNER. It is not on the peninsula the Senator is speaking about, but it is on the peninsula I am speaking about. It was said the Japanese acquired a 15-year grant at the harbor of Salina Cruz.

Mr. LODGE. I can say to the Senator, I think without impropriety, that the matter of Salina Cruz has been dealt with by the State Department, but I think there is no foundation in the rumor.

Mr. RAYNER. Then we have not heard anything from the State Department about it. I considered this the most important incident of these concessions, because in connection with the Government of Mexico it would virtually give the Japanese Government control of the railroad between the western coast and the eastern coast, the eastern port being right south of Galveston, and it would be a very dangerous proposition in view of the Panama Canal.

Mr. LODGE. I quite agree as to the importance, but I think I am right in saying that there is no foundation for it.

Mr. RAYNER. I do not know what the Department of State is doing. The Senator knows more about it than I do. If the Government of Japan were to-day to acquire lands for a military reservation upon the coast of Mexico, that of a base for military operations or for coaling stations, and a base for military supplies, without any reference to the Monroe doctrine, I would consider that almost equivalent to a declaration of war against the United States, and we would not for a moment sanction or permit it. I say I agree entirely with the Senator from Massachusetts, that if the Government of Japan were to attempt to acquire a base for military supplies and for a coaling station upon the coast of Mexico, I would come to the conclusion immediately that the United States ought to interfere without any reference to the Monroe doctrine at all. Perhaps it would come within the Monroe doctrine, the latter clause of it, but I do not think we need discuss the Monroe doctrine if an event of that sort happened.

The point I want to make is this, however: Suppose the owners of this Magdalena Bay enterprise were to transfer the lands that they own there to a subject or corporation of Japan

that is not subsidized by the Japanese Government and over which the Japanese Government has no control, what are we going to do about it? That I consider to be the important proposition we are dealing with.

Mr. LODGE. That is precisely what I want to have something done about.

Mr. RAYNER. That is what I am going to ask the Senate to do something about. I have written a resolution here, upon the subject. Now, what can we do about it? What right have we to prevent a subject of Japan in good faith, for the purpose of industrial development, entirely disconnected with any governmental enterprise not sanctioned or justified by his own Government, from acquiring land in Mexico to any greater extent than we would have the right to prevent any other subject or any other citizen of any other country from acquiring land there? Under the laws of Mexico, as I understand them, the citizens of Mexico are prohibited under the severest penalties, I think under the penalty of death, if I am not mistaken, from transferring any land in Mexico to a foreign government without the sanction of the Government. I think I am right in that statement. But, Mr. President, there is nothing in the constitution of Mexico, there is nothing in the statutes of Mexico, so far as I can discover, that prevents a citizen or corporation or syndicate of Japanese subjects from acquiring land in Mexico. Unquestionably at least the Mexican Government can permit it. I will read just a few lines to show what the law is upon this subject.

Mr. BACON. If the Senator will pardon me a minute, it seems to me the whole thing lies simply in a nutshell. It is simply a question as to what we will do, not by virtue of any statute, but by virtue of our right and power to do that which is necessary for our safety.

Mr. RAYNER. I understand that fully, but I am not talking about the Monroe doctrine now. The Monroe doctrine does not touch the acquisition of a private citizen.

Mr. BACON. Will the Senator permit me to finish?

Mr. RAYNER. I thought the Senator had finished.

Mr. BACON. The Monroe doctrine does not depend on any law and is not a matter of law, but it was the enunciation of a determination on our part not to permit a certain thing to be done, not because such determination was according to any law, international or municipal, but because we deemed it essential to our safety. Therefore we have reserved the same right, if it is within our power to do it, to condemn anything else we may deem to be inconsistent with our own safety and peace.

Mr. RAYNER. I understand that fully, but it does not in the slightest degree touch the point I am submitting to the Senate. The Monroe doctrine or any other doctrine never prohibited a private citizen from acquiring land in the Central American States, for instance. There was never any pretense made in all the precedents and in all the diplomatic correspondence that has ever taken place upon the Monroe doctrine that a citizen of a foreign country could not acquire any land in a South American or a Central American state. I do not think the Senator from Georgia has caught the point I want to submit to the Senate.

Mr. BACON. If the Senator will pardon me a minute, I think I do. I do not myself rest any proposed action on our part upon the Monroe doctrine, but in the same way that we have a right to say that we would not consent to any foreign Government colonizing any part of the Western Hemisphere we have a right to say, if we want to, that we will not consent for a citizen of a foreign Government to acquire property on the Western Hemisphere if it is done in a way that will be a menace to our peace.

Mr. RAYNER. That is not the proposition that I am discussing at all. We can enunciate any new doctrine that we want. That would be an extremely new and original doctrine unless it actually menaced our peace.

The point I make is this: What right have we to interfere with the industrial development in Mexico by foreigners, if the laws of Mexico permit it? I want to stop, if I can, this constant cry of war with Japan. I have never thought for a moment that there is the slightest danger of war. This mad fancy that Japan intends to control and dominate the Pacific Ocean is the most absurd proposition I think that ever crossed the vision of a bewildered brain. Every time a subject of Japan buys a strip of land in Mexico or goes fishing upon the coast of Mexico there is a cry of war.

What I want to do, if we can, is for the Senate, through its proper committee, to definitely ascertain what rights Japanese subjects have in Mexico and what right we have to interfere with their possessions, disconnected with the sanction of the Government of Japan?



I will take only a few moments of the Senate on this subject, as important as it is. I should like to discuss it in full, but I do not intend to do so now. Under the laws of Mexico it is provided—

Citizens of the countries bordering on Mexico can not hold real estate in Mexico within 60 miles of the frontier, without the individual permission of the President of Mexico, nor can foreigners acquire real estate within 5 leagues of the maritime coasts of the Republic, except by permission of a special act of Congress.

Mr. FALL. Will the Senator allow me to make a suggestion?

The PRESIDING OFFICER (Mr. Roor in the chair). Does the Senator from Maryland yield to the Senator from New Mexico?

Mr. RAYNER. Certainly.

Mr. FALL. That is exactly what this concession has done. It has given private citizens permission to own this land.

Mr. RAYNER. It has given them possession of the maritime coast, but it has done so, I apprehend, by a special act of the Mexican Congress.

Mr. FALL. These concessions are based upon individual contracts entered into with the proper official of the proper department of the Mexican Government first and afterwards approved by the Congress of Mexico through its legislative committee. Mexico legislates during vacations, all the while the Congress is not in session, by a legislative committee, and the acts of that committee have exactly the same force and effect as acts of Congress when in session.

I should like to ask the Senator if his view in this matter might not be affected by the fact that the concession granted to this company or to this individual by the Mexican Government transferred to the concessionaires almost governmental powers over the harbor of Magdalena Bay.

Mr. RAYNER. As I understand it, Mr. President, this concession was originally granted to the Oriental Steamship Co. and afterwards transferred by the Oriental Steamship Co. to a Japanese whaling company. The Senator will tell me whether I am right or not.

Mr. FALL. The Senator is speaking of the fishing concession.

Mr. RAYNER. Was the Senator speaking of Magdalena Bay?

Mr. FALL. I am speaking of Magdalena Bay.

Mr. RAYNER. I agree, then, with the Senator, if the Government of Japan intervenes and it is a governmental concession it would unquestionably interfere with American rights.

Mr. FALL. In the event the Mexican Government were to make a concession to individuals which practically placed those individuals in a position where they could exercise governmental powers over Magdalena Bay, would it not be possible for those individuals by indirection, by the transfer of stock, for instance, to transfer the property itself or the control of the property to a foreign Government?

Mr. RAYNER. Let me answer that question by asking another question of the Senator. Suppose subjects of Great Britain and citizens of France should do this, would they have a right to transfer to their Government a sufficient amount of stock so as to enable the Government to control it? What would the Senator say about that? I think if the transfer should be made we ought to look into it, but we ought not to question it until the emergency arises and not imagine danger when none exists.

Mr. FALL. I think if the Government of Mexico undertook to transfer one of its harbors to the Government of France or to the Government of Great Britain it would be an absolute violation of the Monroe doctrine.

Mr. RAYNER. That is not the question. The question is, Suppose they give a concession to individuals, and with the danger that these individuals might transfer it to a foreign Government, does the Senator say that the mere concession given to a citizen or subject of a foreign state would afford an opportunity for us to intervene under the Monroe doctrine, if there is no actual transfer and no intention to transfer the concession to a foreign Government?

Mr. FALL. No; but if it became apparent to the American people that something was sought to be done by indirection which would violate the Monroe doctrine if it was done directly, I do not believe the American people would submit to it.

Mr. RAYNER. I agree with this proposition. I will state the proposition now upon which I stand, and it is this: If the Government of Japan acquires rights, Monroe doctrine or no Monroe doctrine, the Government of the United States will take some steps to prevent the act or if an individual or a corporation or a syndicate acquire rights which they propose to transfer to the Government of Japan. The Government of the United States would not stand idly by and permit the enterprise to be consummated. But I stand upon the further proposition that the subjects of Japan, for their own individual purposes,

without any connection with the Japanese Government, intending merely to develop industrial enterprises, have all the rights that the laws of Mexico give them, and that we can not interfere with the laws of Mexico in that regard. I want that distinction understood, so that every time a Japanese subject buys an acre of land in Mexico there will not be a cry of war throughout the continent.

Mr. McCUMBER. Mr. President, I will ask the Senator from Maryland, is it not a fact that British subjects have a concession on the coast of Mexico and are developing the oil industry there, and in connection with the oil industry they are also developing harbors to transfer the oil? Would anyone say the fact that they are developing the industry and that, in addition to that, are fixing up a harbor and making it so it can be entered, the United States is in a position to claim that there is danger because Great Britain might, in case of war, use that particular bay for naval purposes? Is it not a fact that Germany has colonies in Brazil and in other countries, and they are developing harbors and rivers? Would not the result be the same if we would object to that?

Mr. RAYNER. Of course no one would ever dream for a moment that the Monroe doctrine would touch or approach any subject of that sort. Have not the citizens of other countries possessions and concessions, and are they not conducting large financial enterprises all through Central and South America? Was it ever supposed for a moment that that would occasion any interference by the Government of the United States in the vindication of the Monroe doctrine?

We must draw this distinction, otherwise we will be in constant trouble. We must draw a distinction between the Government of Japan, either itself or through its agents, openly or surreptitiously acquiring land in Mexico for its own purposes and the subjects of Japan acquiring land in Mexico for their own purposes, simply in the progress of industrial development. The line is broadly drawn. If Mexico gives the right to a Japanese subject to own land in Mexico, I ask the Senator from Massachusetts what right have we to interfere? Can we compel the Mexican Government to change its laws and alter its constitution?

Let us leave the Monroe doctrine out of the question. Under the law of Mexico—and it is a strange law; I thought I had it here, but I know it exists—

Mr. STONE. Will the Senator pardon me for a moment?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Missouri?

Mr. RAYNER. Certainly.

Mr. STONE. Does the mere grant of a concession, such as that now under consideration, of a large tract of land about Magdalena Bay or at any other point on the Mexican coast at all impair or affect the sovereignty of Mexico over the lands covered by the concession?

Mr. RAYNER. It does not.

Mr. STONE. But that remains intact?

Mr. RAYNER. Unquestionably.

Mr. STONE. Japan, whose subjects, it is said, are about to acquire this concession, could not as a Government undertake to fortify the harbor or have any right of entering it without invading the sovereignty of Mexico?

Mr. RAYNER. Unquestionably the Senator is right about that. I do not think anybody will controvert that point.

Mr. STONE. Then the status, so far as sovereignty goes, would remain the same?

Mr. RAYNER. It would remain intact, in statu quo. What right have we to interfere except upon the ground of apprehension that things might occur, which I do not believe ever will occur? As I said just now, a foreign Government, under the laws of Mexico, has no right to hold any land in that country. Anyone who sells to a foreign Government, under the constitution and the laws of Mexico, sells under the severest penalties, I believe—I am almost certain—under penalty of death. I think there is a Mexican statute—the Senator from New Hampshire, I think, knows that a statute of that sort exists—which, under penalty of death, prohibits anyone from selling lands in Mexico to a foreign Government. We have no right to sell to a foreign Government here.

Now, before closing, what I want to direct the attention of the Senate to is that Mexico has its own laws, and we have no right to change the laws of Mexico. In Mexico a foreigner who owns land in that country, and who has what they call under their old constitution Mexican children, becomes a Mexican citizen. That is the language of the statute. They changed that afterwards, because it was pretty hard to tell whether they had Mexican children or any other kind of children, and they also subsequently changed their constitution. That is the doctrine of what is called involuntary expatriation. We have never



accepted such a doctrine, that a man by becoming a land owner of Mexico became a citizen of Mexico without renouncing his allegiance to the United States; but that is the law of Mexico, that such a man becomes a Mexican citizen.

If Mexico gives the right to a foreigner who under its laws becomes a Mexican citizen or to a foreigner whether he becomes a Mexican citizen or not to hold lands in Mexico, I should like to know from the Senate or from any Senator here, because it will illuminate the subject greatly to my own mind, what right the Government of the United States has to interfere and what distinction we can draw between a subject of Japan, except upon the ground of fear and apprehension, and a subject or a citizen of any other foreign country.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. RAYNER. I do.

Mr. LODGE. If the Senator from Maryland will allow me, I should like to say that I do not apply what I am saying about Magdalena Bay to citizens or subjects of Japan particularly, but they happen to be the ones who are trying to get it. I would apply what I have said just as much to the citizens or subjects of any other country in like conditions. The case rests on the character of Magdalena Bay, because it is a menace to us to have it in the hands of foreigners. There are thousands of Japanese scattered throughout Mexico, but that is none of our affair; there are Germans in Brazil, but that is none of our affair. It is the taking of a military post on our coast line that is very much our affair.

Mr. RAYNER. I agree with the Senator if there is any attempt there to establish a base for military supplies or a coal- ing station. I said just now, and I say it again, that would amount practically to a declaration of war, for what right has Japan to come to Magdalena Bay?

Mr. LODGE. I do not mean the Japanese Government. If it is done by a corporation it is just as bad.

Mr. RAYNER. But there is not the slightest evidence of its being done by a corporation, and there is not the slightest evidence that it was ever so intended.

Mr. LODGE. The report of the Secretary of State sent to the Senate, and which was made after long examination of this matter, shows that there has been an attempt to purchase that very land, with the control of the harbor.

Mr. RAYNER. I ask the Senator from Massachusetts whether the response of the Secretary of State to the Senator's resolution states that to be a fact?

Mr. LODGE. It states the whole negotiations there and how much stock the Japanese were to have in the company.

Mr. RAYNER. Then, Mr. President, if I mistake not, it also states the entire disavowal of the Japanese Government as to its having any connection with the matter.

Mr. LODGE. Oh, the Japanese Government, Mr. President, is not involved in it. The Government is not buying the land; nobody charges that the Japanese Government is doing anything there.

Mr. RAYNER. No; but if it is not done in the interest of the Japanese Government—

Mr. LODGE. The Senator from Maryland may be able to speak for the Japanese Government; I am not.

Mr. RAYNER. I am sufficiently able to speak for the Japanese Government to say that I do not believe that every time there is any acquisition of land in Mexico we ought to start the proposition about a war with Japan, for I do not believe there will be any war with Japan, either now or in the future, and I want to see if I can rid the public mind of the apprehension which exists upon that subject. Let us read what the Secretary of State says about this matter. That is the best way to settle the dispute. So far as I am concerned I am for peace and not for strife. I am for law and not for war:

Adverting once more to the text of the resolution, the undersigned has the honor to say by way of recapitulation that there is nothing on file in the Department of State that has justified any inference that the Mexican Government or the Imperial Japanese Government has been occupied with any disposition of land near Magdalena Bay by which the latter Government would acquire land there for any purpose.

In these circumstances, the Department of State felt no necessity for further steps in the matter of any of these rumors, which are of a kind that all too frequently occur to the detriment of public opinion in the respective countries and are so alien to the cordial relations of the Governments concerned.

However, his excellency the Japanese ambassador informed the department that he had apprised his Government of the rumors in question, which had become well known through the public press; and subsequently his excellency made, with his Government's authorization and merely for the information of the Department of State, an unreserved and categorical denial of the rumored purchase of land at Magdalena Bay by the Imperial Japanese Government or by a Japanese company, characterizing the report as entirely sensational and utterly without any foundation whatever, the Japanese Government having never directly or indirectly attempted or contemplated the acquisition of any land at Magdalena Bay for any purpose.

Mr. LODGE. That is a splendid denial of what is not charged. The charge is—and the statement is there in that very report—that the attempt was made to sell the land to a company nominally American, in which the stock was controlled in a large part by Japanese. There is no disavowal of that in that report.

Mr. RAYNER. Now, Mr. President, in order that this question may be settled by law and not by war, I will offer a resolution, which I will ask to have referred to the Committee on Foreign Relations. I will read the resolution before offering it, and I think it is very appropriate at this time:

*Resolved, That the Committee on Foreign Relations be, and it is hereby, directed to ascertain whether under the laws of Mexico, or under treaty rights, aliens are permitted to hold and acquire landed property within her territorial limits, or to obtain concessions of land from the Government of Mexico, and also what power is conferred by law upon the Mexican Government to grant exclusive fishery rights upon its ocean shore or in any of the gulfs or bays adjoining the Mexican coast, and whether or not such acquisition of property or concessions, if allowed, encroach upon the Monroe doctrine or are affected by the same, and what position the United States should assume in reference thereto, and to report as early as practicable the result of its investigation to the Senate.*

Mr. BACON. Mr. President, I have no objection—

Mr. RAYNER. Will the Senator allow the resolution to go to the Committee on Foreign Relations?

Mr. BACON. Certainly. I have no objection to that resolution, but the Committee on Foreign Relations would not be limited to that particular investigation, by any means. As I understand, the proposition is to refer the message, with the report—

The PRESIDING OFFICER. Without objection, the message of the President, with the accompanying report, will be referred to the Committee on Foreign Relations.

Mr. BACON. Mr. President, I had not finished.

The PRESIDING OFFICER. And, without objection, the resolution offered by the Senator from Maryland is referred to the Committee on Foreign Relations.

Mr. GALLINGER. The resolution should be stated from the desk.

Mr. BACON. Mr. President, I had the floor and I had not finished.

The PRESIDING OFFICER. The Chair begs the pardon of the Senator from Georgia. The Chair supposed the Senator had finished.

Mr. BACON. I was proceeding to say, Mr. President, that I had no objection at all to these resolutions, but that the committee would not be limited to the consideration of the particular features of this subject designated in the resolutions; that under the proposition to refer this message to the Foreign Relations Committee the entire subject would be committed to that committee and would embrace every feature of it which the committee might think of sufficient importance to investigate and to report upon.

I want to say simply one thing further. The Senator from Maryland [Mr. RAYNER] discusses the question of the right of the United States Government to interfere in case this is a sale to private individuals, and disputes the right of the Government of the United States to take any action in the matter if it shall be found that that purchase is in accordance with the laws of Mexico.

Well, Mr. President, according to the view I take of it, that presentation does not cover the matter under consideration. Of course we have, as a matter of law, no right to interfere with the laws of any country, and yet we do not hesitate to interfere with them whenever they are found to be inimical to our peace and our safety. There was no law which authorized the enunciation of the Monroe doctrine, and yet there was no law which could at that time have existed in a South American country which would have prevented our enforcement of the Monroe doctrine. If there had been then a provision in the constitution of any South American country which permitted the colonization by a European government of a part of the territory of that South American country, we would none the less have insisted upon the Monroe doctrine, not as a matter of law but as a matter of national right, to enforce that which may be deemed to be necessary to the safety of our Government. It was simply upon the pure basis of the right of power that we announced the Monroe doctrine; it has never rested on any other basis, and could not rest on any other basis.

Now, in the same way, when you come to consider the question of whether or not the possession of a certain piece of property in the territory of Mexico by a private citizen or a subject of another government would be inimical to our peace it is simply a question of whether or not we shall so deem it; and if we do so deem it, we take our position upon it, to be enforced, if we have the power to enforce it, not because of the law in the foreign country but because of our innate right



to take care of ourselves and to do whatever is necessary to effect that purpose.

Mr. President, nobody will dispute the right of a subject of a foreign government to acquire territory in the country of Mexico if the laws of that country permit it. Nobody will dispute that the Government of Mexico has passed a law under which, under severe penalties, a citizen of that country is prohibited from conveying any part of the territory of that country to a foreign government; but that does not touch this question at all.

We are not now dealing with the question as to whether or not this suggested action by the Senate is necessary or does accomplish the purpose which the Senator from Maryland denies it will accomplish. That is a question to be investigated; that is a question we are proposing to investigate; but the ground upon which we investigate, the ground upon which we proceed, is this: That if, when we investigate it, we find that the possession of a great harbor, capable of being made a great naval base, by the subjects of another country is likely to lead to complications under which in any developments of the future a foreign Government might get through that means the possession or control of that property, if we deem it necessary to our safety to say that foreign subjects shall not have it, we have just the same right to say it as we said nearly 100 years ago, that a foreign Government should not colonize any part of this hemisphere. In either case it is a question of what we deem necessary for our safety. If we should think it necessary for our safety to say that the subject of no foreign Government shall hold any land in any country in South America, we have no right in law to say it, except the law that every country has a right to protect itself. It might be a very extreme and a very unreasonable thing for us to say, and I think it would be a very foolish thing for us to say, and I have no idea we ever will say it, but if we said it and had the power to enforce it it would be just as binding as is the Monroe doctrine now. Of course—

Mr. RAYNER. Mr. President—

Mr. BACON. One moment, if the Senator please, and I will be through. Of course we are never going to say that, but it is altogether probable, taking each particular case as it comes, that as to Magdalena Bay we would say that we would not only not consent that any foreign Government should acquire a naval base there, but we might go further and say that, situated as that is, between the Panama Canal and our western coast, we would not permit any corporation of any foreign Government to hold it, because by that means it might ultimately result in an ownership or control by the foreign Government. If we should see proper to say that, it would rest on the same authority as the Monroe doctrine. It depends altogether on whether or not we have the power to enforce it, and that is the whole of it.

Mr. President, that is not a new position for the United States Government to take, so far as the possession of a naval base in our neighborhood by a foreign power is concerned. The prohibition of such possession of a naval base is not included in the Monroe doctrine, and yet I think it is a matter about which this Government would not hesitate to say that, regardless of the fact that it is not in the Monroe doctrine, we would not sit by and see any foreign Government take possession of any great harbor adjoining this country where the establishment of a naval base would be a menace to this country. That is evidenced, Mr. President, by one restraint which we imposed on Cuba.

I repeat, there is nothing in the Monroe doctrine which denies to a foreign Government the right to establish a naval base upon our borders; that is not included in it; and yet when we came to turn Cuba over to its own people one of our stipulations was that Cuba should not convey to any foreign Government any port or harbor which could be used as a naval base upon the island of Cuba. There is the principle. And in the same way, Mr. President, that we said that Cuba should not convey to a foreign Government a port or a harbor in the island of Cuba, we would say that no foreign Government should acquire a naval base adjoining or so near to us as to be a menace to us, and when we go that far we can go still further and say that nothing which will lead to such a result will be consented to by us. Whether this will lead to it is another question altogether, but when you come to the question of whether we have the right to do it, that is a question of power and a question as to whether or not we deem it important to our safety that that power shall be exercised.

Mr. RAYNER. Mr. President, I may say that I consider that our relations with Cuba are entirely different from our relations with Mexico. I do not think there is any comparison between the two; but before the Senator sits down I want to ask him a question. I know he might answer by saying we do

not care what the nations of the world might do, but all this, of course, means war and not a peaceful solution—

Mr. BACON. Not at all. It means the prevention of war.

Mr. RAYNER. I do not think it means the prevention of war; but I will ask the Senator this question: Suppose we were to say to-day that no subject of any foreign country should hold lands in Mexico, what does the Senator think the nations of the earth would answer to such a proposition?

Mr. BACON. They would think we were very foolish, and I would think so, too; but then there may be some particular piece of land in Mexico about which it would not be foolish for us to take that view.

Mr. RAYNER. I entirely agree with the Senator that if there is any apprehension of the establishment of a naval base upon the part of Japan and if that Government intended to establish such a base, I would not care for the Monroe doctrine. It would be a declaration of war, because for what purpose would Japan want a naval base in Mexico except for purposes of war? That is not what I am talking about at all; I am talking about the general proposition; and I will state again in conclusion that foreign subjects or citizens of their own accord, without the sanction of their Government, without any connection with their Government, without intending to make any transfer to their Government, have a perfect right under the laws of Mexico and within the limits of that law, whatever it may be, to acquire land in Mexico, and, unless there is apprehension of what the Senator thinks may take place, we have no right under the law of nations to interfere with it. That is all. I do not intend to go a step further, and it is for that purpose that I have offered the resolution, so as to find out what the rights of the United States are in connection with a matter of this kind whenever it occurs.

Mr. CULLOM. I think the discussion has gone far enough, and I ask that the pending matter be referred to the Committee on Foreign Relations.

Mr. GALLINGER. Let the resolution be reported.

The PRESIDING OFFICER. The resolution proposed by the Senator from Maryland [Mr. RAYNER] will be read.

The Secretary read the resolution (S. Res. 302), as follows:

*Resolved*, That the Committee on Foreign Relations be, and it is hereby, directed to ascertain whether under the laws of Mexico or under treaty rights aliens are permitted to hold and acquire landed property within her territorial limits, or to obtain concessions of land from the Government of Mexico, and also what power is conferred by law upon the Mexican Government to grant exclusive fishery rights upon its ocean shore or in any of the gulfs or bays adjoining the Mexican coast, and whether or not such acquisition of property or concessions, if allowed, encroach upon the Monroe doctrine or are affected by the same, and what position the United States should assume in reference thereto, and to report, as early as practicable, the result of its investigation to the Senate.

Mr. CULLOM. Let the whole matter be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. It is so ordered.

Mr. LODGE. The message has already been referred?

The PRESIDING OFFICER. Yes.

#### COMMITTEE ON NATIONAL BANKS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of Order of Business 614, to which I think there will be no objection.

The resolution (S. Res. 295) was read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Committee on National Banks be, and it hereby is, authorized to employ a clerk at a salary of \$2,220 per annum and a messenger at \$1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

#### THE CALENDAR—BILLS PASSED OVER.

The VICE PRESIDENT. The calendar is in order under Rule VIII.

Senate concurrent resolution No. 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co. was announced as the first business in order on the calendar.

Mr. GALLINGER. Let the concurrent resolution go over.

The VICE PRESIDENT. It will go over.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order on the calendar.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. GALLINGER. Let it go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the



purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. It will go over.

LLOYD L. R. KREBS.

The bill (S. 1337) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act was announced as next in order.

Mr. GALLINGER. Formerly I objected to the bill, but I have been examining the report this morning. The bill is recommended by the War Department, and I see no valid objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 459) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure was announced as next in order.

Mr. GALLINGER. Let it go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. GALLINGER. Let it go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 2051) to promote the efficiency of the Life-Saving Service was announced as next in order.

Mr. OVERMAN. Let it go over. I want to read the bill.

The VICE PRESIDENT. The bill will go over.

DEPOT FOR SIXTH LIGHTHOUSE DISTRICT.

The bill (S. 4476) to provide for the purchase of site and construction of wharf and buildings and the necessary equipment for a depot for the sixth lighthouse district was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with amendments, in line 4, after the word "site," to insert

"and to," and in line 5, after the word "equipment," to insert "so far as funds may permit," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of Commerce and Labor be, and he is hereby, authorized to purchase a site and to construct a wharf and buildings and purchase the necessary equipment, so far as funds may permit, for a depot for the sixth lighthouse district, at a cost not to exceed \$125,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY POST AT FORT OGLETHORPE.

The bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post was announced as next in order.

Mr. WARREN. Let the bill go over.

Mr. LEA. This bill has been on the calendar a long time, and I move to take it up, notwithstanding the objection.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Tennessee that the bill be taken up notwithstanding the objection.

Mr. SMOOT and Mr. WARREN called for the yeas and nays, and they were ordered.

Mr. OLIVER (when Mr. BRANDEGEE's name was called). The Senator from Connecticut requested me to state that he is detained from the Senate upon committee service.

Mr. DILLINGHAM (when his name was called). I withhold my vote because of my pair with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. HEYBURN (when his name was called). I would ask if the Senator from Alabama [Mr. BANKHEAD] has voted?

The VICE PRESIDENT. He has not.

Mr. HEYBURN. I am paired with that Senator.

Mr. SHIVELY (when Mr. KERN's name was called). I wish to announce that my colleague [Mr. KERN] is necessarily absent from the Senate on important business. I wish this announcement to stand for the day.

Mr. OWEN (when his name was called). I transfer my pair to the Senator from Florida [Mr. BRYAN] and will vote. I vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM] and therefore withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is absent on the business of the Senate.

Mr. OVERMAN (when Mr. THORNTON's name was called). I have been requested to announce that both the junior and the senior Senators from Louisiana are necessarily absent on the business of the Senate.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS] which I transfer to the junior Senator from Indiana [Mr. KERN] and I will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], which I transfer to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer it to the Senator from Illinois [Mr. LORIMER] and will vote. I vote "nay."

Mr. McCUMBER. I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer the pair to the Senator from Minnesota [Mr. NELSON] and will vote. I vote "nay."

Mr. CHILTON. I have a pair with the Senator from Illinois [Mr. CULLOM]. I do not know whether he has voted or not.

The VICE PRESIDENT. He has not.

Mr. CHILTON. I withhold my vote, then.

Mr. CHAMBERLAIN. I wish to state that my colleague [Mr. BOURNE] is detained from the Senate on its business.

Mr. HEYBURN. I stand paired with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer the pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and will vote. I vote "nay."

Mr. SMITH of Maryland. I notice that the junior Senator from New Hampshire [Mr. BURNHAM], with whom I am paired, is absent. I transfer the pair to the Senator from Arkansas [Mr. DAVIS].

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is unavoidably absent.



Mr. GALLINGER. I have been requested to announce that the Senator from Ohio [Mr. BURTON] is paired with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 27, nays 28, as follows:

## YEAS—27.

Ashurst	Gore	Owen	Smith, Ga.
Bacon	Hitchcock	Pomerene	Smith, Md.
Borah	Lea	Rayner	Smith, S. C.
Chamberlain	Martine, N. J.	Sanders	Swanson
Clapp	Myers	Shively	Watson
Clarke, Ark.	O'Gorman	Simmons	Williams
Culberson	Overman	Smith, Ariz.	

## NAYS—28.

Bradley	Cummins	Lippitt	Richardson
Bristow	du Pont	Lodge	Root
Brown	Fall	McCumber	Smoot
Cañon	Gallinger	Nixon	Sutherland
Clark, Wyo.	Gronna	Oliver	Townsend
Crane	Heyburn	Page	Warren
Crawford	Jones	Perkins	Wetmore

## NOT VOTING—40.

Bailey	Curtis	Johnston, Ala.	Penrose
Bankhead	Davis	Kenyon	Percy
Bourne	Dillingham	Kern	Polindexter
Brandeggee	Dixon	La Follette	Reed
Briggs	Fletcher	Lorimer	Smith, Mich.
Bryan	Foster	McLean	Stephenson
Burnham	Gamble	Martin, Va.	Stone
Burton	Gardner	Nelson	Thornton
Chilton	Guggenheim	Newlands	Tillman
Cullom	Johnson, Me.	Paynter	Works

So Mr. LEA's motion was rejected.

## THE METAL SCHEDULE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, House bill 18642.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The VICE PRESIDENT. The Senator from North Carolina [Mr. SIMMONS] is entitled to the floor.

Mr. SIMMONS. Mr. President, yesterday when speaking of the statement made by Mr. Schwab, president of the Bethlehem Steel Works, before the Committee on Finance, I stated that in response to certain questions propounded by the Senator from Mississippi [Mr. WILLIAMS], Mr. Schwab had then contended that 33½ per cent of the total cost of the products of iron and steel was labor, and that the labor cost in this country is twice as high as in Europe, and that the labor cost in Europe is about 16 per cent of the total cost of production, while here it is 33½ per cent.

Last August, when Mr. Schwab was examined under oath with reference to this matter in the investigation of the United States Steel Corporation, then pending before the committee of the House of Representatives, he made an entirely different and apparently contradictory statement. He then stated:

The cost of labor per man in the United States is almost double what it is in England—a little more. \* \* \* I think the cost per ton in the United States is as cheap as it is abroad, notwithstanding the fact. \* \* \* I think the reason for that is because we manufacture in such large quantities. We manufacture under the economic conditions that I spoke of, and our tonnages are so great.

Mr. President, the only way in which we can reconcile this sworn statement of Mr. Schwab made last August with the statement before the Committee on Finance, which I have heretofore quoted and discussed, is that when he said before the Committee on Finance that the cost here was twice what it is abroad he did not mean the cost per ton, but he meant that the per diem wages paid here are twice what they are abroad.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield?

Mr. SIMMONS. I do.

Mr. SMOOT. The only disagreement last night between the Senator and myself was this: I stated that Mr. Schwab's testimony was to the effect that the labor cost in this country was a third in the manufacture of heavy steel. The Senator from Iowa [Mr. CUMMINS] took exceptions to that statement and also, I think, the Senator from North Carolina.

I want to call the attention of the Senator to just what Mr. Schwab stated, and it was upon the testimony given by Mr. Schwab that I made the statement. The Senator from Idaho [Mr. HEYBURN] asked:

Senator HEYBURN. What percentage of the cost of structural steel is wages?

That follows questions which had been asked by the Senator from Mississippi [Mr. WILLIAMS]. Mr. Schwab answered in this way:

Mr. SCHWAB. About one-third in all the heavy steel. From 30 to 35 per cent of the entire cost is labor.

In relation to the 16½ per cent the Senator spoke of, this is what I asked Mr. Schwab when he was before the committee:

Senator SMOOT. Or, in other words, if every other item of expense attached to the manufacture of steel was equal with every other country, then 16½ per cent would be necessary to protect you against the actual labor cost?

Mr. SCHWAB. Exactly so.

That is what I stated last night, and I stated it from the testimony of Mr. Schwab.

Mr. SIMMONS. Mr. President, we will get at that later, when I will discuss this question from the standpoint of what the Senator from Utah [Mr. SMOOT] claims Mr. Schwab meant in the statement in reference to the proportion of labor cost. I will attempt to show that the difference in the labor cost upon the coarser and bulky articles, even as high as he claims that Mr. Schwab puts it, is covered by the duties provided in this bill; and if the labor cost of the higher and more costly articles is a third or a half higher, or even twice as high, the duties placed on those articles will substantially cover the difference, if any, here and abroad, even if that difference is as great as is contended.

Mr. President, on yesterday, when I was interrupted, I was contending that Mr. Schwab, in fixing the labor cost of iron and steel at 33½ per cent in this country, was speaking about the industry at large.

Proceeding upon that assumption, I was undertaking to show that if that were true the cost in Europe was only 16 per cent, and that this bill, which carries an average ad valorem of about 22½ per cent, covered the difference and left a margin for the benefit of the manufacturers of something over 6½ per cent.

The other side, I think, anticipating that conclusion, interrupted me and insisted that Mr. Schwab, in giving 33½ per cent as the cost in this country, was not referring to the iron and steel industry as a whole, but that he was only speaking with reference to the bulkier and heavier products of iron and steel.

Mr. President, while I do not think Mr. Schwab's testimony bears out that contention, for the purpose of the argument that I propose to make this morning I am going to assume that that is a correct interpretation of Mr. Schwab's testimony upon this question, and that when he said the labor cost of producing steel and iron in this country was 33½ per cent of the total cost he meant only the heavier and bulkier articles, such as are produced by the Bethlehem Steel Works and by the United States Steel Corporation. If that be true, then, Mr. President, the difference between the labor cost of these heavy products in this country and in Europe is, according to Mr. Schwab, 16 per cent.

I have caused various products of the United States Steel Corporation—and I assume the Bethlehem corporation makes about the same things—to be enumerated and the ad valorem rate of duty imposed under this bill calculated by an expert in the Treasury Department.

I will not read the various items, but I am satisfied from the information he has given me that they practically cover the things produced by the United States Steel Corporation and, in the main, those produced by the Bethlehem corporation.

Taking all these items together, those on the free list as well as on the dutiable list in the House bill, the average rate of duty carried is 13 per cent. Eliminating the things on the free list and taking only those on the dutiable list, the average rate upon these particular articles is 15.61 per cent, or, according to Mr. Schwab's own testimony, this bill carries a rate within a fraction of 1 per cent of the alleged difference between the cost of producing these articles here and abroad.

But, Mr. President, I shall contend that Mr. Schwab, in estimating 33½ per cent as the labor cost of these bulkier products, is far too high, and that, in fact, the average labor cost of these products in this country is not much more than half as much as Mr. Schwab claims it is.

I have here the minority report of the Committee on Ways and Means of the House. Attached to that report, which is signed first by Mr. SERENO E. PAYNE, of New York, there is a table:

Table 1. Census statistics of manufactures in the United States, grouped in conformity with the schedules, tariff law of 1897, including articles classified under section 6 and the free list.

This is taken from the report of the census made of manufactures for the calendar year 1904. I have had the same Treasury expert examine this table and calculate the labor cost



as shown by it of the various bulky and heavy and coarser articles known to be produced at the Bethlehem Steel Works and by the United States Steel Corporation. I will not read his statement, except to give the result. It shows that in the manufacture of these products in the calendar year 1904 there were employed 266,192 wage earners, that the wages paid were \$153,061,151, and that the value of the products was \$960,393,279. So we have here the total value of the things produced and the total amount of wages paid in their production, leaving no chance for a misunderstanding as to the labor cost, if the figures as to wages and production are true, and leaving it a mere matter of mathematical calculation.

Now, taking those figures, the expert advises me, as will be seen, that the average labor cost of these articles amounted to 15.9 per cent. So, as against Mr. Schwab's contention that the labor cost of these bulkier articles in this country is 33½ per cent of the total cost, we have the findings of the Census Bureau, based upon the actual amount of wages paid and the actual output for the year 1904, showing that the actual proportion of the labor cost to the product is only 15.9 per cent, or about 16 per cent.

In other words, Mr. President, it shows the labor cost here is about the same as Mr. Schwab says it is in Europe.

Mr. SMOOT. Mr. President—

Mr. SIMMONS. Just let me finish this statement. Taking these figures as representing the true labor costs of these heavier products, taking the contention that the labor price in Europe is only one-half what it is here to be true, then, instead of the difference in the labor cost here and abroad being 16 per cent, as contended, it will only be 8 per cent; and the present bill, carrying an average ad valorem, as I have just shown, upon these bulkier articles of something over 15 per cent, not only covers the difference in labor costs, but covers the total labor cost in this country and is more than twice as much as the labor cost in Europe, assuming that to be half what it is here.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. Certainly.

Mr. SMOOT. I think the Senator ought to consider that the census report he has just quoted from does not take into consideration the labor of the different intermediary processes of manufacture. In other words, let me explain it in this way: If ore is taken and transferred into pig iron, that is one process and the labor in that is computed. The Census Bureau will report the pig iron as being transferred into billets or into steel rails, and do not take into consideration the labor that was put into the process from converting the ore into pig iron, but they only take into consideration the amount of labor required to make the pig iron into rails.

It is just the same, Mr. President, as we find in the manufacture of woolen goods and cotton goods. That same thing transpires in nearly every one of the reports that are given in the Statistical Abstract.

Mr. SIMMONS. The Senator is now making a speech. I do not care to yield for the purpose of making a speech. But let me ask the Senator this question: Does the Senator deny that the census figures I have given represent the percentage of labor cost of converting raw material into the finished products?

Mr. SMOOT. The figures the Senator quoted would show the cost of the conversion as something like 15 per cent from, as he said, the raw material to the finished product of all manufactures of steel and iron. The Senator must know that upon its very face that can not be so, because the ore itself is of little value indeed, and what makes the increased value if it is not labor?

Mr. SIMMONS. On the very face of it, Mr. President, it is so. The Senator is making this sort of an argument, that if a material has to go through one, two, three, or four different processes before it reaches the final state of completion, in fixing the duty we ought to consider the labor cost at every stage.

Mr. SMOOT. Certainly.

Mr. SIMMONS. And I contend, when we are talking about the labor cost in fixing duties, we want the labor cost of conversion.

Mr. SMOOT. Mr. President—

Mr. SIMMONS. The labor cost of the process below that is provided for by another duty, and the process below that is provided for by still another duty, and so on; so that, to use the language of the Senator from Mississippi [Mr. WILLIAMS] in reply to Mr. Schwab before the Finance Committee, "each manipulator gets his nib."

Mr. SMOOT and Mr. OLIVER addressed the Chair.

The VICE PRESIDENT. Does the Senator from North Carolina yield to one of the Senators, and to whom?

Mr. SIMMONS. I am in a colloquy with the Senator from Utah, and therefore yield to him.

Mr. SMOOT. I merely suggest this example to the Senator from North Carolina, to show that 15 per cent certainly does not represent the labor cost from ore to the finished product.

Mr. SIMMONS. Now, Mr. President—

Mr. SMOOT. Take the ore that is worth a dollar a ton, and 15 per cent on a dollar is 15 cents. The Senator from North Carolina does not want the Senate to believe that 15 cents is the labor cost from the ore to the highest class of finished products, which in many cases amount to 80 per cent labor.

Mr. SIMMONS. Mr. President, we had yesterday here a very fine illustration of the fallacy of the position taken by the Senator from Utah. The Senator from Iowa [Mr. CUMMINS], in one of his interruptions yesterday, brought out the fact that the cost of converting pig iron into ingots or pig iron into steel rails was about \$1.80. The Senator brought out the further fact that there was added to the product by this process of conversion \$14 of value, so that the cost of labor in that process of conversion was \$1.80 and the added value \$14, or about 12 or 13 per cent of the cost of conversion was labor.

Mr. SMOOT. Mr. President, does the Senator from North Carolina mean to say that he could take iron ore and convert it into steel rails for a dollar and eighty cents a ton?

Mr. SIMMONS. I said that that was the statement of the Senator from Iowa yesterday.

Mr. SMOOT. If that is the case—

Mr. SIMMONS. That the cost of converting pig iron—not iron ore, but pig iron—into steel rails was \$1.80, and that the added value by reason of that process of conversion was \$14.

Mr. CUMMINS. Mr. President, before the Senator from Utah replies to the Senator from North Carolina, may I restate precisely what I endeavored to state on yesterday?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. I shall be glad to have the Senator from Iowa do that.

Mr. CUMMINS. I think I said the cost would be about \$1.80. The exact amount is \$1.86.

Mr. SMOOT. Will the Senator state what it is for?

Mr. CUMMINS. I will. The Commissioner of Corporations, in examining the cost of 51,902,609 tons of Bessemer iron, states that the cost of converting the ore into pig is 77 cents per ton; the cost of converting 9,573,539 tons of basic iron into pig is 62 cents per ton; the cost of converting 5,339,766 tons of southern pig from the ore into pig is \$1.23 per ton.

Mr. SMOOT. I can not follow the Senator with the figures I have.

Mr. CUMMINS. I will give the Senator the figures in a minute. The labor of converting it from pig into ingots is 61 cents.

Mr. STONE. That is, the southern pig.

Mr. CUMMINS. No; it is 61 cents for converting it into Bessemer ingots and billets; and for the open-hearth or basic ingots, 24 cents. If the Senator will then turn to another table which gives the cost of producing Bessemer rails from steel ingots, which is \$1.25 per ton, he will find that the total from pig iron to steel rails is \$1.86 a ton. Taking the iron from the pig to the steel rails—

Mr. OLIVER. From pig to steel rails?

Mr. CUMMINS. Yes. I think I said yesterday—and I believe that was correct—from pig to steel rails.

Mr. SMOOT. That is what the Senator said yesterday; but the Senator from North Carolina said it was from ore to steel rails.

Mr. SIMMONS. No; I did not say from ore. I said that I understood the Senator from Iowa to say yesterday that it was from pig to ingots, or from pig to steel rails.

Mr. SMOOT. Oh, no. He said yesterday that it was from pig to ingots.

Mr. SIMMONS. Yes; from pig to ingots or from pig to steel rails.

Mr. SMOOT. That is an entirely different proposition.

Mr. SIMMONS. That is what the Senator from Iowa said. I read it here this morning, and I do not think I am mistaken about it.

Mr. CUMMINS. The Senator from North Carolina is substantially right. Taking pig iron as a basis, the cost of converting it into an ingot for the purpose of making rails is 61 cents per ton for the regular Bessemer ingots. The cost of converting the ingot into the rail is \$1.25 a ton, making a total of \$1.86 a ton for the conversion from the pig into the steel rail.



Mr. SIMMONS. And that is about 12 or 13 per cent of the added value.

Mr. CUMMINS. I think that depends upon what you take as added value. If you take pig iron at \$14 a ton—

Mr. SIMMONS. I was taking the Senator's statement on yesterday.

Mr. CUMMINS. Taking pig iron at \$14 a ton and steel rails at \$28 a ton it is about 12 per cent.

Mr. OLIVER. I should like to ask the Senator from Iowa a question, with the permission of the Senator from North Carolina.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Pennsylvania for that purpose?

Mr. SIMMONS. Certainly.

Mr. OLIVER. As I understand, the Senator from Iowa takes the labor cost by adding the labor cost of the manufacture of pig iron, the labor cost of converting pig iron into ingots and the ingots into rails, producing that result, at something like \$1.86.

Mr. CUMMINS. At \$1.86.

Mr. OLIVER. Mr. President, to assume that that is the labor cost of a ton of steel rails shows how little knowledge the Senators who are juggling with these figures have of the real process of manufacture. They ignore the fact that a ton of pig iron does not produce a ton of steel rails; they ignore the important fact of waste, for instance. In the Bessemer process it takes a ton and a quarter of pig iron to produce a ton of ingots; it takes about 1½ tons of ingots to produce a ton of steel rails. There is continual waste in each process, and in figuring up the labor cost you have to figure first the labor cost of producing a ton of pig iron from the ore, then add to it the labor cost, say, of converting a ton and a quarter of pig iron into ingots, and then add to that the cost of a ton and one-tenth of ingots into rails, and so on. All these things must be considered in estimating the labor cost, and in arriving at the labor cost of any article you have to consider the accumulation of cost of everything, every process through which the article has passed from the time it left the earth until it reaches the consumer. The Senator from North Carolina says that each one is compensated by a separate duty, but the last duty is the accumulation of all previous duties.

Mr. SIMMONS. Let me ask the Senator a question. In discussing the labor cost with the view to fixing duties by the standard of measuring the difference between the labor cost here and abroad—

Mr. OLIVER. Plus a reasonable profit.

Mr. SIMMONS. Well, we will leave that out for the present.

Mr. OLIVER. I do not leave it out.

Mr. SIMMONS. Measuring the difference between the labor cost here and abroad for the article, we want to ascertain the cost of the process of conversion in the factory of the article upon which the duty is laid. For the purpose of fixing the duty according to that basis—according to the Republican basis, which I do not agree to—measuring the difference between the labor cost here and abroad, I maintain that you only need to take into consideration the cost of making the product upon which the duty is imposed.

Mr. OLIVER. Does the Senator wish me to reply to that?

Mr. SIMMONS. Yes.

Mr. OLIVER. Then I will reply that you want to estimate the cost of every hour of labor that is put upon any article within the boundaries of the United States of America—that is, the labor cost of any article—and you might just as well say that in estimating the labor cost of this penknife which I hold in my hand you only have to estimate the cost of the last work done upon it.

Mr. SIMMONS. All I desire to say about that is, while the Senator may be technically correct, he is not correct—

Mr. OLIVER. I am practically correct.

Mr. SIMMONS. He is not correct for the purpose for which we are trying to ascertain what the labor cost is and what the difference in that labor cost here and abroad is.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. Certainly.

Mr. CUMMINS. Whatever conclusions the Senator from Pennsylvania may draw from the statistics on this subject, I think upon reflection he will be inclined to withdraw his charge that I, at least, have juggled with any figures.

Mr. OLIVER. Oh, I did not intend to intimate that the Senator had intentionally juggled with figures, and if I used the term "juggled" it was not in any offensive sense.

Mr. CUMMINS. I am sure of that, and I wanted to give the Senator an opportunity to make the Record clear upon that point.

Mr. OLIVER. Oh, yes.

Mr. CUMMINS. I may not agree with all of the conclusions drawn by the Senator from North Carolina, but I want the Senate to remember, and especially the Senator from Pennsylvania to remember, that I gave simply the labor or the wage cost of converting pig iron, first into ingots, and then from ingots to steel rails; and that cost, according to the most approved information we can get, is \$1.86.

Now, there is a broad sense in which all value is given to an article by labor. If we could conceive of a world uninhabited, but stored with the resources of which we are now the possessors, it would be quite true to say that the world was of no value whatsoever and would continue to be valueless until man put some labor upon something in it and produced something that some other man wanted to buy; but in all that I have said I want it to be clearly understood that I am giving the figures with regard to what was actually paid to the men who work with their hands in converting one article into another. I shall show presently that the cost of the materials—an item which I know is in the minds of the Senator from Utah and the Senator from Pennsylvania—I shall show that the materials which go to make up a ton of pig iron cost the producer of this country much less than they cost the producer in England or in Germany, and that therefore we ought to start with a credit rather than with a debit in ascertaining what the duties ought to be upon those articles which follow pig iron in production.

Mr. SIMMONS. The Senator from Iowa means a debit on account of the lower cost of materials in this country. I agree with him. The cost of materials is less here. But I have not gone into that, and for lack of time I will not go into that now. I shall probably wish to take that up later.

Mr. CUMMINS. Simply because England imports iron ore, 50 per cent of her iron ore from Spain.

Mr. SIMMONS. The Senator is right about that.

Mr. CUMMINS. And she pays a great deal more per ton for that iron ore, which is no richer than 30 per cent, than it costs any producer to buy 50 per cent iron ore at the lake ports in America.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I yield for a brief statement, but I desire to go on with my speech.

Mr. SMOOT. I merely desire to make a short statement.

The PRESIDING OFFICER. Does the Chair understand the Senator from North Carolina to yield?

Mr. SIMMONS. Yes; for a brief statement.

Mr. SMOOT. In answer to the Senator from Iowa, I want to call his attention to the tariff hearings of 1909 in the House of Representatives, at which Herbert Knox Smith filed his report on standard rails. It is found on page 1765 of the House hearings. He reports the cost items of rails for the five years from 1902 to 1906. I will read from his report:

Cost items.	
Bessemer pig iron	\$14.52
Waste	1.95
Cost pig iron in rails	16.47
Tons produced, 14,020,303.	
That is not iron ore; it is pig iron, and the total cost of pig iron in rails is \$16.47. Now, he goes on and estimates the cost of making steel rails. By his report the steel rails cost \$22.23 a ton, and these are the items of cost:	
Cost pig iron in rails	\$16.47
Labor	1.98
Manganese, etc.	.20
Fuel	.35
Steam	.62
Molds	.15
Rolls	.17
Materials in repairs and maintenance	.42
Supplies and tools	.27
Miscellaneous and general works expense	.51
General expense	.14
Depreciation	.16
Total cost	22.23

Mr. President, in this report, giving the figures from 1902 to 1906, the labor cost is placed at \$1.98 and the operating expenses at \$2.79, and in operating expenses there is not an item included which does not represent labor.

Mr. CUMMINS. Well, Mr. President, I shall examine all those tables later, but my friend from Utah seems to assume—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. I yield. I am very much delighted at this controversy between the Senator from Utah and the Senator from Iowa.



Mr. CUMMINS. The Senator from Utah seems to assume that the manufacturer abroad has no wastage—

Mr. SMOOT. Not at all.

Mr. CUMMINS. That he has no other expenses, and that he is able to make a ton of steel rails out of a ton of pig iron. Now, I suppose a ton of pig iron in England will go as far toward making a ton of steel rails as it will in America; and if it is the idea of the Senator from Utah that the Republican Party proposes to lay a duty upon steel rails in order to compensate the American manufacturer for the waste or the diminution which occurs in these processes, he is carrying the doctrine to an extent I never heard it applied before.

Mr. SMOOT. No, Mr. President—

Mr. CUMMINS. I had assumed also that there is depreciation in property abroad and that there are other expenses abroad, just as there are here, and I have thought that our doctrine—his doctrine and mine—simply required us to put a duty upon the article that would measure the difference between the cost of doing these things abroad and at home.

Mr. SMOOT. Well, Mr. President, the Senator—

The PRESIDING OFFICER. Does the Senator from North Carolina yield further?

Mr. SIMMONS. I yield, Mr. President.

Mr. SMOOT. The Senator certainly does not mean to say that I quoted these figures to prove that there was no waste or depreciation in foreign countries. I simply answered the Senator, because he said that the labor in producing steel rails from the ore to the finished product was \$1.86. I say that the report of Herbert Knox Smith does not prove that. The report is here in print; I have it; no doubt the Senator has read it; and if he has not, he can find it here. It has been published, and the report says from pig iron to rails the labor cost is \$1.98.

Mr. CUMMINS. I understand that.

Mr. SMOOT. And, Mr. President, so far as depreciation is concerned, I should like to ask the Senator if he does not recognize the fact, in connection with the question of depreciation, that if there is 16 per cent depreciation in a plant that cost \$150,000 in this country and the same percentage of depreciation in a plant in a foreign country that cost \$100,000, there is a difference that should be made up to the American manufacturer so far as depreciation is concerned.

Mr. CUMMINS. The depreciation might be much greater abroad than at home, and it might be much less.

Mr. SMOOT. But does not the Senator recognize the fact that if it is exactly the same, if it is 16 per cent in a foreign country and 16 per cent in this country, and the factory costs more in this country than it costs abroad, there is a difference in depreciation that has got to be made up?

Mr. CUMMINS. In so far as I am concerned, Mr. President, I refuse to consider the matter of depreciation in discussing the question of wages or of labor. The depreciation belongs to the reward of capital, and that comes under an entirely different phase of this subject. I will give some attention to the matter of capital when I come to discuss the whole subject.

Mr. SMOOT. Mr. President—

Mr. SIMMONS. Mr. President, I think I ought not to be required to yield any further to this controversy.

The PRESIDING OFFICER. The Senator from North Carolina refuses to yield further.

Mr. SMOOT. I only desire to refer briefly to one item.

Mr. SIMMONS. I will yield to the Senator briefly.

Mr. SMOOT. I desire to speak of one other item, and that is this: Included in the operating expenses, Herbert Knox Smith says the cost of steam is 62 cents. Steam requires labor to make it, and it is stated in the report that, including labor, the steam item amounted to 62 cents. That is a part of the labor cost just as much as the work of the man who takes the hot ore and carries it from one place to another.

Mr. SIMMONS. Mr. President, I have been very much edified and very much gratified at this controversy between the two schools of tariff thought represented upon the other side of the Chamber, and I have been glad to yield a part of my time in order that they might fight out this controversy between themselves; but, after all that has been said in the course of these interruptions, my proposition remains true, that, according to the only authentic official report that we have upon this question, the labor cost of producing the articles made by the Steel Corporation and by the Bethlehem Co., known in the trade as the heavier and bulkier products of iron and steel, is only about 15½ per cent of the total cost of production. This bill levies average duties of about 15 per cent upon these very products, not a general ad valorem but an average ad valorem upon these specific products shown by these Government reports to represent only about 15½ per cent of labor.

So that from the standpoint of difference in labor cost here and abroad, according to the contention of Mr. Schwab—and

his contention was the same as that of nearly every witness who came before the Finance Committee—according to that contention the bill provides for twice as much duty as the difference between the labor cost of these products here and in competing countries abroad, and from that standpoint there is no just cause of complaint on the part of the manufacturers of these products in this country.

#### LABOR COST OF FINER PRODUCTS.

But, Mr. President, it was contended yesterday, and it has been contended all along in the House and in the hearings, that there are certain finer products of steel in which the element of labor cost enters more largely. I think most of the witnesses claimed that the labor cost of such products is about 50 per cent of the total cost. Some of them, I believe, went as high as 60 per cent, and I think, speaking as to one particular product, it was stated before the committee that the labor cost represented 80 per cent.

I have caused to be taken, because I think it very important in connection with this discussion, the various products in this bill in which the element of labor seems to be very high in proportion to the total cost, and I have had made estimates of the labor cost according to these Government publications, and I have compared them with the duties carried in this bill upon those articles, and I think I shall be able to show the Senate that in every case the duties carried in this bill more than measure the difference between the cost of labor here and abroad, even conceding, which I do not, and which no Democrat does, that the labor cost abroad is one-half less than it is here.

Let us take cutlery. I think it is one of the articles mentioned by the Senator from New Hampshire [Mr. GALLINGER] yesterday as carrying a very high percentage of labor cost. The labor cost in that industry is high as compared with that of many other articles covered by the bill.

According to the census of manufactures taken in 1905, covering the calendar year 1904, the wages paid in the cutlery industry in this country in that year amounted, in round numbers, to \$7,000,000, and the value of the product, in round numbers, \$18,000,000; the labor cost about 38 per cent. Now, Mr. President, the House bill carries upon cutlery an average duty of 31.25 per cent. If the labor cost abroad is only one-half what it is here, and the labor cost here is 38 per cent, then the difference in labor cost here and abroad is 19 per cent. So the House bill, carrying 31 per cent, carries about 12 per cent in excess of the difference between labor cost here and abroad.

Another article which it is claimed is made at a high per cent of labor cost is files. I find that in 1904 the wages paid in this industry amounted to \$1,500,000; value of products, \$4,391,000; percentage of labor to total cost, 34.50 per cent.

An examination of the House bill shows that the duty upon files carried by that measure is 25 per cent. Allowing for the difference claimed between wages here and abroad, putting the wages at 34 per cent and the wages abroad at half of that, 17 per cent, the House bill carries in excess of the alleged difference in the labor cost 8 per cent.

Another one of the items of relative high labor cost is screws. The entire wages paid labor was half a million and the product a little over two million. The percentage of labor cost was 26. The House bill carries a duty of 25 per cent on screws, so that it carries 12 per cent more than the amount which it is claimed would measure the difference between the labor cost here and abroad upon the basis of its being twice as high here as in Europe.

Saws—another item in which the labor cost is high. The wages paid in 1904 was \$2,700,000; value of product, \$9,800,000; percentage of labor cost, 27.58, one-half of that amount representing, as it is claimed, the difference between labor cost here and abroad—13.79, or about 14 per cent. The duty under the House bill is 12 per cent, so in that particular instance the duty would not cover the alleged difference.

Firearms—the manufacture of pistols, automatic and otherwise, and all kinds of guns.

The amount of wages paid in this industry, according to the Government report to which I have referred, in 1904 was \$3,722,000; value of product, \$8,275,000; labor cost, 45 per cent. One-half of that amount, representing as claimed the difference between the labor cost here and abroad, would be 22½ per cent. The House bill carries upon firearms a duty of 35 per cent, or a duty in excess of the alleged difference in the cost of production here and abroad of 12½ per cent.

Watches—As I recollect it, there were but few, if any, items in the bill where it was claimed before the committee that the labor cost was higher than in making watches and articles of watch movements. According to this report the labor cost, without giving the other figures, is 40 per cent; one-half of that would be 20 per cent. The bill carries 30 per cent, or 10



per cent in excess of the alleged difference in the labor cost here and abroad.

Clocks. Labor cost according to this report is 40 per cent. One-half to represent the difference in labor cost here and abroad would be 20 per cent. The bill carries 30 per cent, or 10 per cent in excess of the alleged difference in labor cost here and abroad.

Tools. I believe there were more witnesses examined before the committee with reference to this schedule embracing tools than any other. Their complaint was most strenuous, because they claimed a large percentage of cost of labor, and that unless we retained the present duties that industry would be destroyed because of the lesser cost abroad.

The wages paid in that industry in the year I have been speaking about was \$6,000,000; output, \$20,000,000; per cent of labor, 30; one-half of that would be 15. The House bill carries 25 per cent, or 10 per cent more than the alleged difference between the labor cost here and abroad.

Mr. President, I do not believe that the difference in labor cost is near so important in determining competition as the advocates of protection would have us believe.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair) Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. Certainly.

Mr. CUMMINS. I simply wanted to be sure that I understood the Senator from North Carolina. He has just referred to steel tools. I assume he means machine tools.

Mr. SIMMONS. No; it is tools generally, not elsewhere specified. I was not able to get the figures as to machine tools.

Mr. CUMMINS. I thought possibly the Senator was referring to the complaint made by the manufacturers all over the country as to machine tools.

Mr. SIMMONS. I was not.

Mr. CUMMINS. Under the bill he is now discussing they are put upon the free list.

Mr. SIMMONS. I was not discussing those. They come in under the general clause providing duties on articles not provided for specifically.

We are exporting some of these products in large quantities. Take, for instance, saws. We exported and sold abroad in competition with the world last year about \$9,000,000 worth of saws.

We sold abroad last year in competition with the world \$6,500,000 worth of tools. We sold abroad last year in competition with the world nearly \$2,500,000 worth of firearms. It would seem that if, in competition with our European competitors in the neutral markets of the world, we are able to sell these articles without a loss, these articles in which is contended the element of labor enters largely, we at least ought to be able to sell them here in our own country, where we have an advantage in freights, in competition with foreign producers.

But I was about to say, Mr. President, that I do not believe that the difference in labor cost is near so important in determining competition as the advocates of protection would have us believe.

The States of this Union, with varying soils, climate, and labor conditions, carry on successful competition contradicting this theory.

#### COTTON IN TEXAS, ETC.

It costs more to make a bale of cotton in my State than it does in Texas or in Louisiana or in Mississippi, because of the greater average of fertility of the land of those States. Our average yield is as great as theirs, but we have to accomplish it through the use of expensive fertilizers and a much more extensive system of cultivation; and yet, Mr. President, we are raising cotton successfully in competition with those States.

It costs more to make a ton of pig iron in Pennsylvania than in Alabama, and yet Pennsylvania is able to compete and does compete successfully with Alabama in iron.

UNITED STATES STEEL CORPORATION PRODUCES CHEAPER, YET INDEPENDENTS SUCCESSFULLY COMPETE.

Independent representatives of this industry who appeared before the committee insisted that the United States Steel Corporation largely monopolized the export trade of this industry. They claimed that the United States Steel Corporation could manufacture cheaper than the independents and were therefore able to export at a profit.

Notwithstanding the fact that the United States Steel Corporation, for one reason or another, can and does manufacture cheaper than the independents, they have been able to sustain themselves in competition with this cheaper-produced product and, according to Government reports, in recent years have been increasing their percentage of production more rapidly than the

Steel Corporation, showing right in our own country, by reason of greater capital, by reason of better organization and other advantages that accrue from a combination such as the United States Steel Corporation, an article can be produced very much cheaper, yet the producer at the higher cost is able to maintain himself in competition with the cheaper-produced product and to grow and expand and to acquire a larger part of the local market.

Now, Mr. President, coming back to the testimony of Mr. Schwab for a minute, in his testimony before the Finance Committee he asserted, as I recall his statement, that the average wage paid at Bethlehem in the steel and iron industry is \$766 per annum. The average English wage would be, therefore, according to him, something less than \$400.

Now, let us see what the Immigration Commission in its report upon this subject says.

I have here Table 46, page 66, referring to industrial conditions in iron and steel manufacturing. This table gives the per cent of males of 18 years of age and over working for wages and earning under \$400. It shows that in the Pittsburgh district it is 59.2 per cent; in the east Pennsylvania district it is 74.6 per cent; New York district, 55.6 per cent; Middle West, 82.4 per cent; Birmingham district, 75.1 per cent. Total of the iron and steel manufacturing industry receiving less than \$400 per year, 68.4 per cent, while 72.1 per cent of the foreign-born labor in this industry is shown to be earning less than \$400.

Mr. SMOOT. I should like to ask the Senator if he understands those figures the same as I do.

Mr. SIMMONS. I have the report here. I did not want to read the whole report. I will hand the report to the Senator and let him read it, and he can answer in his own time.

Commenting upon this table, the commission says:

The average annual wage of the native white in the Pittsburgh district is \$677 and of the total native born \$623. Both the native born and the foreign born exhibit the lowest average wage in community "C," which is east of the Pennsylvania district, where the annual earnings for the total native born are \$450, as contrasted with \$271 for the total foreign born.

Average total native born, \$504; average total foreign born, \$325.

Table 45 of this same report shows that the average earnings of the foreign-born laborer in the Pittsburgh mills is \$367; in the Birmingham district, \$309; and in the iron and steel industry at large, \$325.

According to this report of the commission it therefore appears that 68 per cent of the employees in the iron and steel industries of this country are receiving less than \$400, which, according to Mr. Schwab's testimony and argument, is about the same amount paid in Europe.

#### SIXTY PER CENT FOREIGNERS EMPLOYED IN STEEL INDUSTRY—GREAT PROFITS.

More than 60 per cent of the laborers employed in the steel industry in the East are foreigners, 72 per cent of whom, according to the report of the Immigration Commission, are receiving less than \$400 a year and in some districts less than \$300.

Mr. SMOOT. Does the Senator understand that wherever an employee works six months or three months, then leaves, and another employee takes his place, the average of the rate per year includes the man or the boy who works six months or three months, and an average is then made of the whole number?

The figures are just a little more than one-half what Mr. Schwab quoted.

Mr. SIMMONS. I do not know anything about what the commission did. The commission finds that the average native born in the districts discussed received \$504 a year and the average foreign born \$325 a year.

Mr. SMOOT. That may be absolutely true; and yet you could not tell what is the wage in any industry in the United States unless the table shows what the wage was for 12 months, and then taking the number of employees in the mill, and whether they worked 3 or 6 or 9 months, and the amount paid for salaries, and then dividing it by the number of employees.

Mr. SIMMONS. I do not know what the commission did, but I find this. Here is the summary:

#### General nativity and race of individuals.

Sections.	Total native-born of foreign father.	Total native-born.	Total foreign-born.
East:			
Pittsburgh district.....	552	623	363
Community C—Eastern Pennsylvania.....	472	450	271
Community D—New York.....	446	514	371
Middle West—Community E.....	.....	.....	285
South—Birmingham district.....	411	460	309
Total iron and steel manufacturing industry.....	488	504	325

This industry, with its product protected by an average duty of 35 per cent, recruiting 60 per cent of its labor from southern and eastern Europe, where labor conditions and wages are the lowest of all Europe, comes to Congress, and in the name of



American labor, in the interest of the high standard of living of the American laborer, demands protection against German labor and English labor.

Mr. HITCHCOCK. Can the Senator put in at that point in his speech, if he has not already prepared it, how many hours of labor and the number of days per week required of those laborers?

Mr. SIMMONS. I have not that, but I can state it generally. In the recent report set forth in the report of the majority members of the Ways and Means Committee, and in Mr. Knox Smith's report, it is found that at the blast furnaces and in some other departments of the steel and iron industry they have the continuous process by which a man works 7 days a week 12 hours a day. While it was contended that was necessary, it was shown in the report that while it is necessary in certain departments to hire continuous labor, that the process is practiced where there is no such necessity and practiced for reasons of economy.

Mr. SMOOT. I think the Senator wants to be fair.

Mr. SIMMONS. Surely.

Mr. SMOOT. I wish to say that the 12-hour-a-day labor in the steel industry applies only to the blast-furnace men.

Mr. SIMMONS. The Senator will find that statement very positively contradicted in the report. It applies to some other departments where there is no such necessity as there is in the blast-furnace department.

Mr. SMOOT. We had no witnesses before the Finance Committee who stated that there were any 12-hour-a-day men with the exception of the blast-furnace men. It was at their request, and it was stated by the men themselves before the committee that they preferred to work the 12 hours, because of the 12 hours they were not required to work over 5 or 6 hours. If the blast went on with no interruption and the process was perfect, there was not very much to do, and they were there as watchers rather than as workmen.

Mr. SIMMONS. Does the Senator think it is necessary, except for purposes of pure economy, to work a man 7 days in the week 12 hours a day?

Mr. SMOOT. No; I do not.

Mr. SIMMONS. It was admitted, if the Senator will permit me, that that could be avoided, that there was no insurmountable difficulty that could not be overcome. But it was said by one of the witnesses, and I think Mr. Schwab, although I am not sure about it, that that would be too expensive; and it is for the purpose of saving expense in this industry, where more profits have been made than in any other industry in this country, that some laborers are required to work 7 days in the week and 12 hours a day, and there is a shift every 2 weeks when one man has to work 24 hours a day.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. Certainly.

Mr. SMOOT. In answer to the Senator I will state that I do not approve of employing any class of labor and requiring them to work 12 hours a day. I will also state, in justice to Mr. Schwab, as I think the Senator will remember, he testified before the committee that his company as well as one other company had undertaken to change their system some years ago, and that they were perfectly willing it should be changed and hoped to see the time when it would be; that the only reason why it had not been, as far as his company was concerned, was because of the fact that the industry was upon that basis, and unless they were all put on the same basis one would have an advantage over the other in making goods at a less price.

Mr. SIMMONS. And they, for the sake of advantage in cost incident to putting on another shift, were doing this thing.

Mr. SMOOT. There is no doubt of it.

Mr. SIMMONS. And make them work continuously.

Mr. SMOOT. I have so stated. It was also stated by the men themselves that out of the 12 hours sometimes they did not work 5 hours. Even if they worked but 2 hours, as far as I am concerned, I would never approve the employment of men and compelling them to be even on watch for 12 hours.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Certainly.

Mr. GALLINGER. On that point I interrogated Mr. Schwab when he was giving his testimony, and Mr. Schwab's words will be found on page 1274 of the hearings. He said:

Mr. SCHWAB. I can only say that the steel interests a year ago met in New York with a view of changing this condition of affairs by putting on a sixth extra workman and by making such changes as would give a workman one day a week off. The experiment is now being tried at one of the Steel Corporation's works in Pittsburgh, which we are follow-

ing with great interest. We proposed it to our workmen, and almost unanimously they desired that the condition continue as it is at present. This class of men that work 12 hours a day for 7 days in the week are blast-furnace men. It is a continuous metallurgical operation, and somebody has to be employed all the time.

Then I inquired of him. I asked:

But that does not apply to your entire force?

Mr. SCHWAB. Oh, no. These are the men who work at the blast furnaces. All the others work 10 hours a day. We give all the workmen, other than the blast-furnace men, a holiday on Saturday.

Then later on the Senator from North Carolina himself interrogated Mr. Schwab. He said:

Senator SIMMONS. I want to call attention to the fact that in the report they state that that seven days a week is not confined to those metallurgical operations.

The Senator had just stated that the employment extended beyond that.

Mr. SCHWAB. That is true. There are some situations in the rolling mills, but they are very few. But that is not the ordinary practice. But in any operation that is necessary, by reason of metallurgical conditions, to be continuous, the practice is to employ the workmen 12 hours a day. It is universal all over the world.

Senator SIMMONS. Do you not see the same thing in some other departments?

Mr. SCHWAB. It is only done, as I say, in continuous operations. You can take all our men in the engineering department—the machinists, mechanics, and laborers—all the men of that sort work 10 hours a day.

Mr. President, I put that in the Record with the consent of the Senator from North Carolina, and I thank him for giving me the privilege, to show that while I do not approve this condition, and we had the assurance from Mr. Schwab and I think from others that they were working out the problem of changing it, it applies only to the men who because of metallurgical conditions are rather compelled to do this. It is a universal practice. As Mr. Schwab says, it is universal the world over.

Mr. SIMMONS. This is what the Bureau of Labor has to say on this matter in its report on the steel industry:

The investigation developed that the seven-day working week was not confined to the blast-furnace department, where there is a metallurgical necessity for continuous operation and in which department nine-tenths of the employees worked seven days a week, but it was also found that to a considerable extent in other departments, where no such metallurgical necessity can be claimed, productive work was carried on on Sundays just as on other days of the week. For example, in some establishments the Bessemer converters, the open-hearth furnaces, and blooming, rail, and structural mills were found operating seven days a week for commercial reasons only.

The hardship of a 12-hour day and a 7-day week is still further accentuated by the fact that every week or two weeks, as the case may be, when the employees on the day shift are transferred to the night shift, and vice versa, employees remain on duty without relief either 18 or 24 consecutive hours, according to the practice adopted for the change of shift. The most common plan to effect this change of shift is to work one shift of employees on the day of change through the entire 24 hours, the succeeding shift working the regular 12 hours when it comes on duty. In some instances the change is effected by having one shift remain on duty 18 hours and the succeeding shift work 18 hours.

Mr. OLIVER. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. I think I will go on and finish my speech.

Mr. OLIVER. I want to apologize to the Senator from North Carolina for interrupting him. I dislike very much to do it, but I want to say right here that the head of one of the largest steel concerns in the country told me within two months that they were making an earnest effort to change the condition of affairs in their plant and that they undoubtedly would make the change.

Mr. SIMMONS. Will the Senator allow me to ask him if they can not accomplish it in 24 hours by simply hiring a few more men and increasing their expenses a little?

Mr. OLIVER. Not at all. If the Senator from North Carolina were familiar with large manufacturing enterprises, he would not even ask that question. It is a revolution. What I was going to say, and I will be very brief, is that the main opposition, the most determined opposition to this effort to change, comes from the men themselves, who—

Mr. SIMMONS. Mr. President, I submit that the Senator is injecting a speech into mine.

The PRESIDING OFFICER. The Senator from North Carolina declines to yield further.

Mr. SIMMONS. The Senator is not making a statement of facts, but is simply injecting a speech.

Mr. OLIVER. I will not further interrupt the Senator. I was endeavoring to enlighten him, but he does not seem to relish it.

The PRESIDING OFFICER. The Senator from North Carolina will proceed.

Mr. SIMMONS. I have had an abundance of enlightenment through the report of the Bureau of Labor. Here is an industry employing men and requiring them, where there is no absolute necessity for it except to save money, to work 12 hours a day and 7 days during the week and every 2 weeks



to work 24 hours 1 day. That is an industry employing probably a larger per cent of foreign labor than any other industry in this country. It is recruited from the very scum of Europe, not from the higher-priced labor countries of Europe where they say that they are not able to compete with the labor, but from the lowest-priced labor countries of Europe—not from Germany or England, where wages are nearer the same as ours, but from Italy and Hungary, where the difference between wages here and abroad is greater and where the wages are less. This industry, enjoying the benefits of high protection, has accumulated enormous profits during the last 15 or 20 or 25 years through protection—protection in the products of its factory and its free trade in labor—and this is the industry that can not afford to employ an extra shift of men so as to relieve against the necessity of the men having to work 7 days in the week and every 2 weeks 24 hours in a day at the end of a shift.

These conditions as to employment of foreign labor and long hours that I have described, Mr. President, in the steel industry obtained during the same period of time covered by the statement of the president of the Bethlehem Steel Co. when he wrote, under date of November 5, 1909, the following:

The capital stock of the Bethlehem Steel Co. amounts to \$15,000,000 (all owned by the Bethlehem Steel Corporation), divided into 300,000 shares at \$50 par. While nominally only \$1 per share has been paid in, the surplus of the company is practically sufficient to pay the stock in full, and the company intends to issue stock to represent this surplus.

Referring to this letter, Hon. A. MITCHELL PALMER recently said:

Apparently this intention of the company was carried out and the earned profits added to the capital account, for in 1910 we find that the Bethlehem Steel Co. earned, net, after liberal additions to depreciation and furnace refining reserves and considerable redemption of funded debt, the comfortable amount of \$1,789,462.09, which was sufficient to nearly double the then surplus and declare and pay a dividend of 10 per cent, amounting to \$1,500,000 on the capital stock of the company, which, according to Mr. Schwab's statement, consisted of \$300,000 contributed in cash and \$14,700,000 earned profits. What this return on the actual cash investment amounted to is a simple problem in arithmetic. In the solution of which the men at Bethlehem, whose wages have been tabulated by the Bureau of Labor, would find an interesting though unprofitable occupation.

Mr. President, this Bethlehem record of 10 per cent dividends upon \$15,000,000 actual investment by its stockholders of only \$300,000, is a record of "get rich quick" without parallel in the history of the world. The president of this corporation enjoying the blessing or curse of free trade in labor—employing 60 per cent of the scum of Europe at starvation wages, while the products of this alien horde is highly protected against the higher price labor of Europe—protests against any cut in its protection, and declares if this is done it will have to go out of business or further cut the wages of its aggregation of Hungarians, Poles, Magyars, and what not.

In the name of humanity I should hate to see the pay of these underpaid and underfed foreigners further reduced, but in the interest of the thousands who buy its overprotected product I would dearly love to see the extortionate profits of this petted child of fortune cut down a little bit, if not more. I should feel that such a cut would be healthy. While it would grieve Mr. Schwab and his Bethlehem stockholders, it would gladden the hearts of the thousands who have to buy his products.

THE ARGUMENT THAT WE CAN NOT COMPETE WITH THE FOREIGN PRODUCER IS ANSWERED BY THE FACTS OF OUR EXPORT TRADE.

Mr. President, the argument of the opponents of tariff reduction that we can not compete with the foreigner in this market, that any material reduction in the present high rate of duties will result in foreign invasion of our markets, is overwhelmingly answered by our annual exports of merchandise. That it is profitable is shown by the eagerness it is sought after. That the profits are satisfactory nobody denies.

Last year we exported and sold abroad in Europe, in Asia, in Africa, and South America, all over the face of the earth, over \$900,000,000 worth of the products of our factories.

If we can not compete with the foreigner in our own market with a tariff advantage such as this bill carries—an advantage of 22 per cent—how are we able, year after year, to sell nearly a billion dollars' worth of products of these factories in the neutral markets of the world where we have no tariff advantage?

If the manufacturers of the articles embodied in this bill would not be able to compete with the foreigner in this market with the 22 per cent tariff advantage which it would give them, how were they able last year to sell at a reasonable profit \$230,000,000 worth of these very products from one end of the world to the other without any tariff advantage and under probable freight disadvantages in competition with the like products of the very countries they now claim will scale this 22 per cent tariff wall and take from them their American customer?

#### CANADA.

In the calendar year 1910, as appears from the Canadian Yearbook, Canada imported in iron and steel and manufactures thereof \$61,183,000, of which Great Britain sold her \$11,212,000; Germany, Holland, Belgium, and all other countries except the United States, \$1,930,000; and the United States sold her \$48,040,000, or over four times as much. That, Mr. President, in the face of the fact that Great Britain enjoys in the Canadian market the tariff preference over us of 35 per cent.

#### MEXICO.

According to the Bureau of Statistics, we exported to Mexico, of iron and steel, including agricultural implements, cars and carriages, which included automobiles, in 1910, \$18,130,000; England, \$3,722,000; Germany, \$2,423,000; Holland and Belgium, a little less than \$250,000; or, we exported about five times as much as Great Britain, almost eight times as much as Germany, and over sixty times as much as Belgium. These figures demonstrate we are able to compete with the other iron-producing countries in this neutral market of the world.

Mr. President, it can not be contended that in Mexico we enjoy any privilege over our foreign competitors. Freight rates are probably little to our disadvantage, tariff rates are equal; and yet, under these conditions, we sell to Mexico \$18,000,000 worth of products of our iron and steel industry against Great Britain's less than \$4,000,000 worth.

#### STEEL RAILS.

In 1910 we exported, all told, of steel rails \$10,546,000, as against England's \$13,275,000, Germany's \$12,924,000, Belgium's \$4,209,000, and Holland's about \$3,480,000. If we exclude the exports of these countries to other countries in Europe, which they dominate and control against us by reason of freight rates, and exclude the exports to the colonies of each of these countries, which they in a large measure and in many cases entirely control, and take into consideration only foreign markets where all countries stand on an equality as to tariff and somewhere near an equality as to freight rates, we exported nearly as many dollars' worth of steel rails to these neutral markets of the world in 1910 as all of Europe combined. We exported in that year to these neutral markets \$10,546,000 worth of steel rails, as against Great Britain's exports of about \$4,000,000, Germany's exports of about \$5,000,000, Belgium's exports of about \$2,500,000, and Holland's exports of about \$1,300,000.

Mr. President, in the face of the fact, admitted of all men, that our manufacturers are selling annually nearly a billion dollars' worth of their products of all kinds in nearly every quarter of the globe, in Asia, in Africa, in Europe, in South and North America, in competition with the world and at profits so satisfactory that this trade is eagerly sought by them; in the face of the fact that our manufacturers of iron and steel sold to Canada last year more than four times as much of these products as Great Britain, notwithstanding Great Britain has a preferential tariff advantage over us of 35 per cent; in the face of the fact that in 1910 we sold to Mexico, where we have no advantage over our competitors either in tariff or freight rates, products of iron and steel, including farming implements, carriages, and so forth, twice as much as England, Germany, Belgium combined; in the face of the fact that last year we sold of steel rails to the world at large \$10,000,000, as against England's \$12,000,000, Germany's \$13,000,000; and that leaving out the contiguous, or approximately contiguous, countries of Europe, where the European manufacturer has a freight advantage over us, and leaving out the dependencies of our European competitors, where for various reasons they have an advantage over us, we sold in the neutral markets of the world, where trade conditions are equal nearly, as many steel rails as all the balance of the world; in the face of the fact that in the neutral markets of the world, where we have no advantage in either tariff or freight rates, markets which until recently our competitors have dominated; markets in which they have better bank-exchange arrangements and facilities than we have; markets in which by reason of long possession they understand the habits, the customs, the taste of the people better than we, and cater to them to an extent that we have not learned; I can not understand, if in the face of these facts we are able to meet these competitors elsewhere upon the basis of fair profits, why we are not able to meet them upon the same basis in our own country, with our customers at our doors, and where both tariff and freight rates are in our favor.

Mr. President, our manufacturing industries are fairly well organized. I am not now referring to the trust combinations, but business organizations. I say they are fairly well organized, and through their various organizations they are able to make themselves heard, and do make themselves heard, whenever their interest is involved in any way in legislation. They are



never forgotten. Speaking with reference to our population as a whole they may be said to represent the thousands, but the consumers who represent the millions are too numerous for organization. They have no committees. When legislation affecting their interest is pending the consumers have no direct personal representative or voice here. As a result, in our tariff legislation, in recent years, while the interest of the industries has been carefully safeguarded, protected, and often unduly promoted, the interest of the consumer has been too largely overlooked and forgotten.

The Democratic Party, Mr. President, while not forgetful of the interest of those great industries which have contributed so largely to the greatness, the wealth, and the prosperity of the Nation, does not forget the absent consumer, however humble. The authors of this bill in the other House, mindful of the great fundamental Democratic principle of equality, while not forgetting the seller and his interest, have not forgotten the buyer and his interest as well.

Mr. CULLOM. Unless the Senator from Missouri [Mr. STONE] desires to speak, I shall move an executive session. We have had no executive session this week.

Mr. CUMMINS. Will the Senator from Illinois withhold that motion for just a moment?

Mr. CULLOM. I will.

Mr. CUMMINS. There is upon the calendar a notice from me that I would address the Senate on this general subject to-day immediately after the routine morning business. It is obvious that I must in some way change that notice. Tomorrow we have a special order. I do not know whether the Senator from Missouri desires to speak next or not.

Mr. STONE. As the RECORD shows, on yesterday I stated that by the courtesy of the Senator from Iowa, who had a notice that he would speak after the routine business to-day, and who indicated to me that he preferred to postpone his remarks, I would address the Senate to-day. But under the circumstances at present I think I will not proceed now. It is nearly 4 o'clock. As there is a special order for to-morrow, if it should suit the Senator from New Hampshire [Mr. GALLINGER] to adjourn until 12 o'clock to-morrow, instead of 2, we might be able to conclude the consideration of that measure before the close of the calendar day.

Mr. GALLINGER. If Senators will permit me, I will now move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock to-morrow.

Mr. SMITH of Georgia. It is utterly useless to contemplate finishing the assignment for to-morrow on to-morrow. There are a number of speeches I know that will be made against the measure, and it will take several days. I expect to discuss it very fully.

Mr. STONE. Does the Senator think it will take several days.

Mr. SMITH of Georgia. Yes.

Mr. STONE. Then I suggest that we meet at 12 o'clock each day.

Mr. GALLINGER. I have made the motion for to-morrow—that when we adjourn to-day we adjourn to meet at 12 o'clock to-morrow.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The question is on agreeing to the motion of the Senator from New Hampshire.

Mr. SMITH of Georgia. I hope the Senator will not fix it as a permanent rule that we shall meet at 12 o'clock.

Mr. GALLINGER. The motion is only for to-morrow, I will say to the Senator.

The motion was agreed to.

Mr. CUMMINS. I think the Senator from Missouri has the floor, but I will say to him, while I am on my feet, that all I will do is to ask that the notice I have given be withheld from the calendar hereafter, and when this matter comes again before the Senate I have no doubt the Senator from Missouri and myself will be entirely able to agree as to the order of speaking.

Mr. STONE. There will be no difficulty about that.

I wish to make this observation before the Senate goes into executive session on the motion about to be made by the Senator from Illinois; I can not see that there is very much need or very much benefit to be derived from continuing the general discussion of this tariff bill by any Senator unless the discussion is one in which the Senate as a whole, or at least some reasonable part of the membership, is interested. We have just listened to a very able and unusually instructive address by the Senator from North Carolina [Mr. SIMMONS]. The Senator from Iowa [Mr. CUMMINS], when he takes the floor, I know will deliver an exceedingly interesting and instructive address. I can not understand, sir, why it is that Senators are apparently indifferent about the consideration of this important

measure. Of all questions coming before the Senate and before Congress at this session the tariff question is paramount. The attention of the country is more fixed upon it than upon any other, and it is the question around which, above all others, the great struggle of this year for political supremacy will be waged. I presume by what I have seen here in the last day or two that Senators are so well informed with respect to this particular bill, or so well equipped to pass intelligent judgment upon it, that they do not care to hear anything about it. If that is true, I think we had better take it up by paragraphs and proceed with it.

Mr. BACON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. STONE. Certainly; I yield.

Mr. BACON. I should like to say to the Senator that as the address of the Senator from North Carolina was not entirely agreed to by Senators on the other side and they had evidently a good deal of opposition to the particular propositions which he advocated, it might be well to let some of them do a little of the speaking before the Senator from Missouri and the Senator from Iowa proceed on the same side. It would give the Senators who are opposed to this bill the opportunity to make their speeches consecutively, without having to interject them in a spasmodic manner, as they have been doing to-day.

Mr. STONE. Well, perhaps that is true. The Senator from Georgia always makes pertinent and wise suggestions; but that does not quite touch what I have in mind. Why should we carry on a debate here in the Senate before half a dozen Senators? Why should we not take up the bill by paragraphs, and dispose of it at once? The Senator from Utah, I have no doubt, is prepared to present the ultra-Republican view.

Mr. SMOOT. The true Republican view.

Mr. STONE. The Senator says the true Republican view, which is from his standpoint the ultra-Republican view. It is a mere matter of terms; but I confess a degree of impatience at the things we see here in the Senate.

Mr. President, I have been away a good deal for the last two months. I came back a short time ago and Senators on this side of the Chamber, at least, have been prodding me, as they have been other Democratic members of the Finance Committee, for apparent dilatoriness in bringing the tariff measures before the Senate. They were full of the militant spirit of getting at it and having something done. Now we see what we see; and I think we had just about as well take up the bill by paragraphs and dispose of it, since Senators know all about it, and the general discussion does not interest them.

Mr. GALLINGER. Mr. President, I assume that the Senator from Missouri would not press that upon the Senate in the absence of the chairman of the Committee on Finance.

Mr. STONE. I am not pressing it; I am just saying that unless Senators manifest hereafter more interest in this important work, then I can not see any good in this general discussion, unless the speeches are to be sent out for campaign purposes.

Mr. GALLINGER. I assume that that is what our Democratic friends are intending to do.

Mr. STONE. It will be done, and we can do it with much better reason than it can be done from the other side.

Mr. GALLINGER. That depends.

Mr. CUMMINS. Mr. President, I can hardly join in the request or suggestion of the Senator from Missouri. I do not want to beg for an audience, and I do not intend to do so. I think it would take just as long to discuss this bill paragraph by paragraph as to discuss it from the general standpoint in the first instance. I regret very much that my friend from North Carolina had so small an audience, but possibly the spur that has now been administered by the Senator from Missouri will secure a larger number of Senators hereafter.

So far as I am concerned, I shall not debate the subject for the purpose of informing the country generally. I intend to debate it for the purpose of informing Senators, and a great many of them need the information.

It is one of the queer things in connection with the debate this afternoon that the men who really know a great deal about the subject were the men who were here. I am speaking not of myself, but I have in mind the Senator from Utah [Mr. SMOOT] and others. Those Senators who have given the least study to the subject are the Senators who were not here, and therefore I want to emphasize in that respect what has been said by the Senator from Missouri. I do not take the Democratic view of it, nor do I not take the Republican view of it as entertained by some of my associates, and I want to convince them, as long ago somebody has convinced the country, that these duties ought to be reduced.



Mr. SMOOT. I ask that a comparative statement showing the rates of metals and manufacture of metals under the tariff act of 1909, together with the so-called Underwood bill, being House bill 18642, and the amendment offered by the Senator from Iowa [Mr. CUMMINS] be printed for the use of the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 17 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 2, 1912, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate May 1, 1912.*

## PROMOTIONS IN THE ARMY.

## COAST ARTILLERY CORPS.

First Lieut. Fulton Q. C. Gardner, Coast Artillery Corps, to be captain from April 9, 1912, vice Capt. George F. Connolly, detailed as commissary on that date.

Second Lieut. Edward P. Noyes, jr., Coast Artillery Corps, to be first lieutenant from April 9, 1912, vice First Lieut. Fulton Q. C. Gardner, promoted.

Second Lieut. Charles E. Ide, Coast Artillery Corps, to be first lieutenant from April 23, 1912, vice First Lieut. John E. Mort, detached from his proper command.

Second Lieut. William D. Frazer, Coast Artillery Corps, to be first lieutenant from April 27, 1912, vice First Lieut. Henry W. Torney, resigned April 26, 1912.

## CAVALRY ARM.

First Lieut. Leonard L. Deltrick, Second Cavalry, to be captain from April 23, 1912, vice Capt. Charles Young, Ninth Cavalry, detached from his proper command.

## APPOINTMENTS IN THE ARMY.

## MEDICAL RESERVE CORPS.

*To be first lieutenants with rank from April 27, 1912.*

Harrie Sheridan Baketel, of New York.  
William Morgan Case Bryan, of Missouri.  
Harry Silsby Finney, of Colorado.  
Joseph Ralston Hollowbush, of Illinois.  
Raymond Barnett McLaws, of Florida.  
Jerome Morley Lynch, of New York.  
Charles Evert Paddock, of Illinois.  
William Robertson Watson, of Pennsylvania.

## MEDICAL CORPS.

Thomas James Leary, of Pennsylvania, late first lieutenant in the Medical Corps, to be first lieutenant from April 25, 1912.

## PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as ensigns:

Emil A. Lichtenstein and  
Charles W. Crosse.

The following-named midshipmen to be ensigns in the Navy from the 7th day of March, 1912, in accordance with the provisions of an act of Congress approved on that date:

Roy C. Smith, jr.,  
Francis S. Craven,  
Edward B. Lapham,  
Carlos A. Bailey, and  
Robert P. Mohle.

Boatswain John C. Lindberg to be a chief boatswain in the Navy from the 23d day of February, 1912, upon the completion of six years' service as a boatswain.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as ensigns:

Bruce R. Ware, jr., and  
Harry J. Abbett.

Ensign Ralph D. Weyerbacher to be an assistant naval constructor in the Navy from the 23d day of April, 1912, vice Asst. Naval Constructor John C. Sweeney, jr., disappeared, whereabouts unknown.

## UNITED STATES MARSHAL.

Guy Murchie, of Massachusetts, to be United States marshal for the district of Massachusetts. (A reappointment, his term having expired.)

## PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Dr. Howard Andrew Knox, of Michigan, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, in place of Taliaferro Clark, promoted.

Dr. Charles Laval Williams, of Massachusetts, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, in place of Passed Asst. Surg. Thomas D. Berry, deceased.

Asst. Surg. Harry Jackson Warner to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from April 4, 1912.

## POSTMASTERS.

## GEORGIA.

John I. Fullwood to be postmaster at Cedartown, Ga., in place of John I. Fullwood. Incumbent's commission expired February 27, 1912.

## ILLINOIS.

Alfred Schuler to be postmaster at Mound City, Ill., in place of Alfred Schuler. Incumbent's commission expired March 31, 1912.

## INDIANA.

Melville B. Carter to be postmaster at Newport, Ind. Office became presidential January 1, 1912.

Hugh S. Espey to be postmaster at Rising Sun, Ind., in place of Hugh S. Espey. Incumbent's commission expired April 29, 1912.

Charles C. Fesler to be postmaster at Clay City, Ind., in place of Charles C. Fesler. Incumbent's commission expired January 27, 1912.

George H. Griffith to be postmaster at Fremont, Ind., in place of Duane Scott. Incumbent's commission expired January 20, 1912.

William O. Goecker to be postmaster at Crothersville, Ind., in place of Adam G. Ritz. Incumbent's commission expired April 22, 1912.

Charles F. Keck to be postmaster at North Liberty, Ind. Office became presidential January 1, 1912.

Francis H. Manring to be postmaster at Greentown, Ind., in place of Francis H. Manring. Incumbent's commission expired April 22, 1912.

Horace H. Mosier to be postmaster at Bristol, Ind. Office became presidential January 1, 1912.

Will K. Penrod to be postmaster at Loogootee, Ind., in place of Will K. Penrod. Incumbent's commission expired April 22, 1912.

Frank M. Pickerl to be postmaster at Argos, Ind., in place of Frank M. Pickerl. Incumbent's commission expired January 27, 1912.

Preston B. Settlemyre to be postmaster at Roanoke, Ind., in place of Samuel H. Grim, resigned.

Charles Smith to be postmaster at Westfield, Ind., in place of Charles Smith. Incumbent's commission expired January 27, 1912.

## IOWA.

Ezra Bradford to be postmaster at Wellman, Iowa, in place of Ezra Bradford. Incumbent's commission expires May 26, 1912.

Stephen M. Brinton to be postmaster at Brighton, Iowa, in place of Stephen M. Brinton. Incumbent's commission expired April 9, 1912.

Alma G. Ott to be postmaster at Riverside, Iowa, in place of Alma G. Ott. Incumbent's commission expired March 25, 1912.

## KANSAS.

David D. Wickins to be postmaster at Sabetha, Kans., in place of George W. Hook. Incumbent's commission expired April 24, 1912.

## LOUISIANA.

Robert B. Johnson to be postmaster at Lake Arthur, La., in place of Marcus N. Limbocker, resigned.

## MINNESOTA.

A. L. Hamilton to be postmaster at Aitkin, Minn., in place of Francis M. Shook. Incumbent's commission expired April 22, 1912.

## MISSOURI.

Mary E. Black to be postmaster at Richmond, Mo., in place of Edward R. Williams, resigned.



Frederick B. Rauch to be postmaster at Morehouse, Mo., in place of Frederick B. Rauch. Incumbent's commission expires May 23, 1912.

## MONTANA.

William R. Crockett to be postmaster at Red Lodge, Mont., in place of William R. Crockett. Incumbent's commission expired March 10, 1912.

## NEW YORK.

Peter G. Hydorn to be postmaster at Lacona, N. Y., in place of John J. Hollis. Incumbent's commission expired April 28, 1912.

James H. Signor to be postmaster at Dannemora, N. Y., in place of Seth Allen, deceased.

## OHIO.

Thomas G. Moore to be postmaster at Barnesville, Ohio, in place of Thomas G. Moore. Incumbent's commission expires May 16, 1912.

## PENNSYLVANIA.

Harvey E. Brinley to be postmaster at Birdsboro, Pa., in place of Harvey E. Brinley. Incumbent's commission expired April 28, 1912.

William L. Buchanan to be postmaster at Sagamore, Pa. Office became presidential April 1, 1912.

John H. Martin to be postmaster at Clearfield, Pa., in place of John H. Martin. Incumbent's commission expires May 26, 1912.

John J. Mather to be postmaster at Benton, Pa., in place of John J. Mather. Incumbent's commission expires May 26, 1912.

## VIRGINIA.

Joseph E. Graham to be postmaster at Jonesville, Va., in place of Joseph E. Graham. Incumbent's commission expires May 20, 1912.

Charles W. Wickes to be postmaster at New Market, Va., in place of Charles W. Wickes. Incumbent's commission expires May 13, 1912.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 1, 1912.*

## UNITED STATES DISTRICT JUDGE.

Edward E. Cushman to be United States district judge for the western district of Washington.

## UNITED STATES ATTORNEY.

Joseph E. Morrison to be United States attorney, district of Arizona.

## UNITED STATES MARSHAL.

Charles A. Overlock to be United States marshal, district of Arizona.

## COMMISSIONER OF EDUCATION FOR PORTO RICO.

Edward M. Bainter to be commissioner of education for Porto Rico.

## PROMOTION IN THE ARMY.

## CAVALRY ARM.

Second Lieut. Reynold F. Migdalski to be first lieutenant.

## POSTMASTERS.

## KENTUCKY.

W. B. Buford, Nicholasville.  
Clarence Mathews, Maysville.  
Frank W. Rice, Wilmore.  
Will P. Scott, Dawson Springs.  
James W. Thomason, Uniontown.  
Miles M. J. Williams, Eminence.

## OKLAHOMA.

Ellis J. Baxter, Hooker.  
Leonard M. De Ford, Duncan.  
Daniel G. Dodds, Beggs.  
Clarence W. Early, Durant.  
Arthur E. Leap, Collinsville.  
James T. Ryan, Bennington.  
James E. Sutton, Boynton.  
Frank J. Van Buskirk, Seminole.  
Charles W. Young, Carnegie.

## VIRGINIA.

Edgar B. Beaton, Boykins.  
John S. Cecil, Dublin.  
Floyd L. Harless, Christiansburg.  
Alexander W. Harrison, Lawrenceville.

## WEST VIRGINIA.

N. J. Keagle, Williamson.

## WISCONSIN.

Mary A. McAskill, Glidden.  
John A. McDonald, Arbor Vitae.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 1, 1912.

The House met at 12 o'clock noon and was called to order by the Speaker, who took the chair amid general applause.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Infinite Spirit, source of worlds without end and of beings without number, in whose all-loving embrace we dwell and in whom all our longings, hopes, and aspirations are centered, control our spirits, guide our wandering thoughts to Thee, that by the inspiration of this sacred moment we may be prepared to meet the obligations which Thou hast laid upon us now and evermore, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910; and

S. 3624. An act to authorize the construction of a bridge across San Francisco Bay to connect the cities of Oakland and San Francisco, Cal.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910; to the Committee on the Merchant Marine and Fisheries.

S. 3624. An act to authorize the construction of a bridge across San Francisco Bay to connect the cities of Oakland and San Francisco, Cal.; to the Committee on Interstate and Foreign Commerce.

## FLOOD SUFFERERS, MISSISSIPPI VALLEY.

Mr. FITZGERALD, by direction of the Committee on Appropriations, reported House joint resolution 312, making appropriations for relief of sufferers from floods in the Mississippi and Ohio Valleys, which was read a first and second time and, together with the accompanying report (No. 631), referred to the Committee of the Whole House on the state of the Union and ordered printed.

## LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina, by direction of the Committee on Appropriations, reported the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, which was read a first and second time and, together with the accompanying report (No. 633), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. CANNON. Mr. Speaker, I reserve all points of order, and ask unanimous consent that the minority may have until Friday, if it is so desired, to file their views. (H. Rept. 633, pt. 2.)

The SPEAKER pro tempore (Mr. ANSBERRY). The gentleman from Illinois reserves all points of order on the bill, and asks unanimous consent that the minority may have until Friday to file views. Is there objection?

There was no objection, and it was so ordered.

Mr. JOHNSON of South Carolina. Mr. Speaker, I give notice that to-morrow morning I shall call the bill up for consideration.

## CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday and the unfinished business is the bill H. R. 18033. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from South Carolina [Mr. FINLEY] will take the chair.

## AMENDING MINING LAWS IN ALASKA.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18033) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes.

Be it enacted, etc., That no association placer-mining claim shall hereafter be located in Alaska in excess of 40 acres, and on every placer-



mining claim hereafter located in Alaska, and until a patent has been issued therefor, not less than \$100 worth of labor shall be performed or improvements made during each year, including the year of location, for each and every 20 acres or excess fraction thereof.

SEC. 2. That no person shall hereafter locate any placer-mining claim in Alaska as attorney for another unless he is duly authorized thereto by a power of attorney in writing, duly acknowledged and recorded in any recorder's office in the judicial division where the location is made. Any person so authorized may locate placer-mining claims for not more than two principals or associations under such power of attorney, but no such agent or attorney shall be authorized or permitted to locate more than two placer-mining claims for any one principal or association during any calendar month, and no placer-mining claim shall hereafter be located in Alaska except under the provisions of this act.

SEC. 3. That no person shall hereafter locate, cause or procure to be located, for himself more than two placer-mining claims in any calendar month: *Provided*, That one or both of such locations may be included in an association claim.

SEC. 4. That no placer-mining claim hereafter located in Alaska shall be patented which shall contain a greater area than is fixed by law, nor which is longer than three times its greatest width.

SEC. 5. That any placer-mining claim attempted to be located in violation of this act shall be null and void, and the whole area thereof may be located by any qualified locator as if no such prior attempt had been made.

The committee amendments were read, as follows:

Line 5, page 2, strike out the words "two principals or associations" and insert the words "two individuals or one association."

Line 11, page 2, strike out the word "provisions" and insert the word "limitations."

Mr. FLOOD of Virginia. Mr. Chairman, I hope the amendments will be adopted and the bill as amended be passed. I have nothing to say, Mr. Chairman, unless some gentleman desires some information about the bill.

Mr. MANN. I think the gentleman from Alaska ought to explain the bill, or some one.

Mr. FLOOD of Virginia. Well, I will explain the bill briefly and then the gentleman from Alaska can also do so. It is a bill placing limitations on the filing of placer-mining claims in Alaska. Under the present law an association can be formed and this association can take up 160 acres of land, and by doing \$100 worth of work on the whole 160 acres during the period of two years they can make their claim good. This bill provides that the individual can take up for himself 20 acres of land and for two individuals 20 acres each, making 60 acres, or for an association 40 acres, so that one individual can file either for himself and two other individuals or for himself and an association on 60 acres of the land and they can only file two claims in each month.

Mr. MADDEN. For mining purposes?

Mr. FLOOD of Virginia. Yes.

Mr. MADDEN. Not for agriculture?

Mr. FLOOD of Virginia. No. Under the present law an individual can file for an association on 160 acres and he can keep on filing just as often as he has time to do so.

Mr. MADDEN. Of what does an association consist?

Mr. FLOOD of Virginia. Two or three men associated together.

Mr. MADDEN. How few?

Mr. FLOOD of Virginia. I would say two or three would constitute an association.

Mr. MADDEN. Are they organized under the laws of the United States?

Mr. FLOOD of Virginia. No.

Mr. MADDEN. It is just a voluntary association?

Mr. FLOOD of Virginia. Yes.

Mr. MADDEN. What title do they get; what responsibility is imposed upon them?

Mr. FLOOD of Virginia. Under the present law, do you mean? Three men can associate themselves together as an association; two can stay in the United States and one go to Alaska and file on 160 acres of mineral land. He can the next day file on another 160 acres, and he can keep on filing as long as his paper and pencil last; and the only obligation imposed upon him is to do \$100 worth of work in two years on each 160 acres.

Mr. MADDEN. Does the association get title to the land in the name of the association, or in the name of the individuals?

Mr. FLOOD of Virginia. It gets it in the name of the association and incidentally transfers it to the individuals.

Mr. MADDEN. How is the association organized?

Mr. FLOOD of Virginia. They organize themselves and call themselves an association.

Mr. MADDEN. Is there not any law under which they are organized?

Mr. FLOOD of Virginia. No.

Mr. MADDEN. How can they get a title to the land in the name of the association?

Mr. FLOOD of Virginia. Under the United States statute which authorizes them to do so.

Mr. MADDEN. It authorizes any individuals to form a voluntary association and give any name they please to the association, and takes title in the name of the association?

Mr. FLOOD of Virginia. It is pretty near as loose as that, and we propose to change that in this bill. This bill allows a voluntary association to be formed, but only allows that association, or the man who is acting for the association, to file on 40 acres of land for the association, and on that 40 acres he must do \$100 worth of work on each 20 acres or a fraction thereof every year.

Mr. MADDEN. Under the present law there is no limit to the number of acres of land that can be settled upon by the association?

Mr. FLOOD of Virginia. One hundred and sixty acres is the limitation.

Mr. MADDEN. They can make as many settlements as they wish, though?

Mr. FLOOD of Virginia. Yes.

Mr. MADDEN. So that there is not any limit?

Mr. FLOOD of Virginia. Practically none.

Mr. MADDEN. This bill proposes to limit the amount of land that can be acquired by the association to 40 acres, on 20 acres of which they must make improvements?

Mr. FLOOD of Virginia. It proposes to limit the number of acres to 40, as the gentleman states, and on each 20 acres of that there is to be \$100 worth of work done each year, and the attorney for the association can only file two claims a month.

Mr. MADDEN. They can file as many claims as they please at the rate of two a month?

Mr. FLOOD of Virginia. Two a month. Now they can file one every 15 minutes.

Mr. MADDEN. Why not fix a limit beyond which they can not go?

Mr. FLOOD of Virginia. This bill was framed by the Delegate from Alaska, who has made a careful study of this situation, and is recommended by the Interior Department. It is recommended by the present governor and has been recommended by the governors of Alaska for the last 12 years. They thought that this limitation was sufficient. They did not want to hamper anyone who desired to go to Alaska for the purpose of honestly developing mineral lands, but they did want to stop the people who go there and take the lands up for speculative purposes and who never make any development. These gentlemen, who are familiar with this subject and who have investigated it, thought the limitations of this bill were sufficient.

Mr. MADDEN. Under this proposed law any association could go into Alaska and acquire 10,000 acres of land for mineral purposes?

Mr. FLOOD of Virginia. In the course of time it could; but I will say to the gentleman they would have to do a hundred dollars' worth of work on every 20 acres every year, and they could not hold that land indefinitely, like they do now, and practically do no work on it.

Mr. MADDEN. They have to do that every year, do they?

Mr. FLOOD of Virginia. Every year. I will ask the Clerk to read a letter which I received from the Acting Secretary of the Interior on the subject as a part of my remarks.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, March 1, 1912.

Hon. H. D. FLOOD,  
Chairman Committee on the Territories,  
House of Representatives.

SIR: In response to your request for report on H. R. 18033, Sixty-second Congress, second session, entitled "A bill to amend the mining laws in their application to the Territory of Alaska, and for other purposes," I have to advise as follows:

The limitation of an association placer to a maximum of 40 acres meets with the approval of the department, since it is believed that it will better insure the development of the minerals therein. The association and patent work now required by law to be performed on an association placer of 160 acres will then be required to be placed on each 40-acre location; also under the present law eight persons frequently join in a single location of 160 acres and immediately thereafter transfer to one person, which results in the control of the maximum area by one individual through the use or employment of straw or "dummy" locators, which practice will be obviated or at least greatly circumscribed by the proposed amendment.

The department believes that the time within which a locator must begin to develop his claim under the present law is too long. It is now possible to hold possession of a claim for two full years before any work is required, and this has resulted in the holding in some cases of lands for speculative purposes. For these reasons the provision of the bill requiring assessment work to be performed during the year in which the claim is located meets with approval. The proposed limitation of the number of locations which may be made through the use of powers of attorney is also approved, and in this connection attention is directed to the observations upon this question on page 10 of the annual report of the Secretary of the Interior for the year ended June 30, 1911.

It is suggested, however, that a further limitation than that proposed to be imposed by section 2 of the bill be made by striking from line 2 of page 2 of the bill the words "two principals or associations" and inserting in lieu thereof the words "two individuals or one association," which would limit still further the making of locations through powers of attorney, permitting, for instance, the locator to locate one 20-acre claim for himself and one 20-acre claim for each of two individuals, or one location of 20 acres for himself and one 40-acre association placer for the association he is authorized to represent.



The provision in the last clause of section 4, limiting the dimensions of a placer claim, is practically covered already by law and the decisions of the department, special reference being made to the case of the Snowflake Fractional Placer, reported in 37 L. D., 250.

Very respectfully,

SAMUEL ADAMS, Acting Secretary.

Mr. STEPHENS of Texas. Will the gentleman from Virginia [Mr. FLOOD] yield to a question?

Mr. FLOOD of Virginia. Yes.

Mr. STEPHENS of Texas. Has the bill which was argued here the other day before the House, giving a Territorial form of government to Alaska, become a law?

Mr. FLOOD of Virginia. No; it has not passed the Senate yet.

Mr. STEPHENS of Texas. It has not passed the Senate?

Mr. FLOOD of Virginia. No.

Mr. STEPHENS of Texas. If that bill should become a law, would that legislature have the right to change the manner of acquiring placer claims in Alaska?

Mr. FLOOD of Virginia. No.

Mr. STEPHENS of Texas. Then, it must be by a law of Congress?

Mr. FLOOD of Virginia. Exactly. I have nothing further to say, Mr. Chairman. I ask that we now proceed with the reading of the bill for amendment.

#### BROTHERHOOD OF NORTH AMERICAN INDIANS.

Mr. MANN. Mr. Chairman, inasmuch as we are in Committee of the Whole House on the state of the Union for general debate, I ask unanimous consent that my colleague [Mr. McKINLEY] be permitted to extend his remarks in the RECORD by inserting a memorial of the Brotherhood of North American Indians.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that his colleague [Mr. McKINLEY] be permitted to extend his remarks in the RECORD by the insertion of a memorial. Is there objection?

There was no objection.

Following is the memorial referred to:

Memorial of the Brotherhood of North American Indians setting forth the facts and circumstances concerning the treaties and agreements with certain North American Indians wherein the treaties and agreements have not been fully complied with and carried out by the Government and suggesting remedies for the benefit and relief of the Indians and the betterment of the Indian race.

WASHINGTON, D. C., April —, 1912.

To the Congress of the United States of America:

The Brotherhood of North American Indians respectfully represents that the North American Indians, living in many States of the Union, some of whom have been recognized and contracted with by the Federal Government and some of whom are under the jurisdiction of State government, have many matters of importance to bring to the attention of the Congress of the United States of America, and have important grievances and complaints which need and require the attention of the Congress and the executive department of the Government in order that the treaties and agreements with the tribes shall be fulfilled and in order that important wrongs which the Indians have suffered may be redressed in the only way in which such wrongs can now be redressed—that is to say, by the payment of adequate damages for lands taken without any consideration, for lands taken without adequate consideration, for Indian moneys spent without the consent of the Indians or authority of law, and for expenses of administration which have, in many instances, been charged to the Indians when it is the duty of the Government to bear the expense of the self-constituted guardianship.

Many of the citizens of the United States are not unmindful of the fact that it was an Indian nation that granted to the colonists of the Eastern States their first succor and comfort, and that in turn for this kindness and pacific attitude a treaty was entered into as early as 1682, known as the treaty that "never was sworn to and never was broken." Yet, notwithstanding these and other undisputed facts, the Indian nations, tribes, and bands, and in the last analysis, individuals, have not received their just dues, have not been accorded equitable treatment, have not received the consideration and compensation agreed upon, and have suffered untold deprivations and wrongs which should, in this age of progress and education, be righted and the Indians throughout the whole United States placed upon a basis that will insure their future independence and will insure every individual Indian a chance on an equal footing with his white neighbor.

Many letters and personal protests are being received by the brotherhood from tribe after tribe, and in order that the true situation concerning our people may be known and understood, the following facts and statements of the Indians themselves are respectfully set forth, with a view to having the Congress of the United States consider this subject in a light in which it has never before been considered, and grant to every tribe of Indians in the United States the right to have its differences adjusted and its claims presented and acted upon by the courts of the United States which were created by your honorable body.

Some of the Indian tribes of this country have been able to obtain from time to time, extending over a period of about 50 years, sufficient influence to have their claims and grievances inquired into, adjusted, and paid, but the time has come when every Indian tribe should be granted the right to have an accounting with its guardian, the United States of America, and the Congress of the United States should grant this privilege.

It is impossible in a memorial intended for the consideration of many persons to set forth generally all facts which can be presented, and it is not the intention in this memorial to do anything more than present the facts concerning a few Indian tribes, with the hope that sufficient interest may be aroused and sufficient consideration given to the subject to enable the Congress to form a general opinion regarding the necessity for the action requested.

The Shoshones, the Bannocks, the Cayuses, and the Walla Wallas, etc., have been recognized by the United States to have lands in the States of California, Oregon, Idaho, Nevada, and Utah, aggregating 71,078,400 acres of land; these lands were taken under the pretense of various treaties from 1856 to 1866, and further inroads were made on their possessions by acts of Congress and Executive orders.

Many of the treaties do not show a cession of the lands, but simply define the boundaries of the lands set apart for or belonging to these tribes and, in these treaties, the Government agreeing to pay a certain fixed sum of money per year to each tribe or band for a certain stated period of years for game lost to them; but the Government does not agree to pay them anything for the land and has never paid them anything for the land. They agree to give to the Bannocks, or each member of the tribe, 320 acres of grazing land and 160 acres of land for irrigation, and without any further agreement and act of Congress the allotments were reduced to 160 acres of grazing land and 20 acres of land suitable for irrigation. Some of the affiliated bands or tribes, parties to the ownership of these lands, have fared much better, but no uniform process of dealing with these Indians has ever been established, and no determination of the exact amount due each tribe has ever been reached. Many of the things agreed to with these Indians have never been carried out, and in some instances other Indians have been settled upon their reservations without compensation to the Indians for whose benefit the lands were finally set apart for allotment and were recognized as the owners of the land without consulting the original owners and without any compensation to them. Some method of adjusting these affairs should be adopted, so as to determine the rights of all the parties in interest.

THE BANNOCK TRIBE OF INDIANS OF FORT HALL RESERVATION IN IDAHO.

STATEMENT OF CHIEF PAT L. TYHEE.

I am chief of the Bannock Tribe of Indians and live on the Fort Hall Reservation, Idaho. I was present at the treaty of Fort Bridger, 1868. There were present at that time the following men who are now alive:

Teton Bill, Jim Ballard, Logan Appana, Lincoln School Boy, Zee Dee Hop, Major George, Old Man Race Horse, Ben Anowine, William Ytagan, Oliver Teton, Farmer Charlie, Jack Hoyt, and there are others now alive who were present at the making of this treaty. At the council the Indians told the United States commissioners the boundaries of their lands. I have given a statement of the boundaries of the lands as was explained to the commissioners. They told us that that was to be our hunting ground. The reservation was never explained to us until Maj. Reed came among us as agent. At that time he showed us the boundary of our reservation. The reservation which he showed us has been made smaller five different times. We never got any money for the land which was taken away from us except about 12 years ago, which was the last time that the reservation was cut into.

The Bannock Tribe roamed a wide stretch of territory, but the territory which I have described above is what the Bannocks owned. They were friendly with the Shoshones. The Shoshones roamed over a wide stretch, but they made no claim to the territory which I have described above. At the present time, the Pocatello Band of Shoshone and some Sheepstealers are on the Fort Hall Reservation. There has been a good deal of intermarriage between the Bannocks and the Shoshones, so that there are but few Indians on the Fort Hall Reservation at the present time who are not part Bannock and part Shoshone.

In the States where I was raised up from a little child I know the mountains and the trees and the rivers. I am 82 years old. I am one of the owners of the American soil, because my father was not a foreigner. God created the heaven and the earth and also created me. I was created here on this American soil. I don't like for the Government to give me a small portion and keep me under its supervision. I like the free use of my country like my forefathers had. Since my reservation was established they have made four treaties with me. Every time they made a treaty with me they agreed to pay me so much, and they cut my land smaller and smaller. Every time they agreed to pay me so much money they are taking my rights away from me, and now my land is so small that I can hardly make my living on it, can hardly move around. It is like being in a penitentiary. The game and the hunting privilege is gone; taken away. They have forced me to stop hunting, but I had the privilege one time of free use of the country. Since last year my reservation has gotten so small that the Government only allotted to each Indian 20 acres of irrigable land and 160 acres of grazing land; that is all I am now entitled to.

According to the old treaty I was entitled, each Indian on my reservation was entitled to more than 320 acres of land, 160 acres of grazing land and 160 acres of irrigable land; but last year they were cut down.

Before last year I used to have 140 acres under fence, but they only gave me out of the 140 acres 20 acres; that is all I am entitled to under fence. The Indians depend on the grazing land on the reservation for their domestic use of wood and also of grazing, and that is set aside for the tribal purposes, and now the Government has changed their law. They would put a dam there and flood the Fort Hall grazing lands and that hurts my feelings. Why should the Government throw that open for allotment? It belongs to the Indians for domestic use, for their hunting and wood and grazing. If they flood that land they would take the Indians' rights, almost their lives, for if they flood that land then we have no place to make a living. We live there, we depend upon it, and if they appropriate it we will have no place to keep ourselves and make a living; but if they allot that to the Indians, we will have a peaceable life, plenty of hunting of all kinds of game, plenty of all kinds of wood. I do not want this to be flooded. That is one reason why I am here to try to lay that complaint before the brotherhood. Also about the 20 acres of irrigable land. I am not satisfied with it, and the rest of the Indians are not satisfied with the 20 acres. No white man could make a living on it; no white man would take up 20 acres of land. They would not want it. I do not want the Government of the United States to compel the Indians on the Fort Hall Reservation or anywhere else outside of that reservation to take such a small piece of land. The Government should give the Indians what they are entitled to by the treaties, for we are the owners of the soil. We were here before any other people. We are not foreigners. It does not look right to us that the Government, since the American Continent was discovered, should have tried to put the Indians out of the land, tried to take their rights away from them, the game, the wood, the minerals, the oil. They should treat the Indians as well as they treat their own race of people. Nowadays the Government treats me almost like a slave. Nowadays I have to buy my own coal, buy my timber. Before the white man discovered the American Continent I had free use of all that was created on this continent. Since the white people discovered this country, they make themselves wealthy on the Indians' land. They manufacture everything here; have factories of all kinds. They ought to look after the



Indians more than they do and take care of them, treat them well; not treat them like slaves. But they keep forcing and forcing the Indians farther west. I do not like to see my tribe driven farther west to the oceans.

I have a grazing fee coming from stockmen on my reservation that I have never received one cent of. It was paid to the Government. I want to get that if I can.

STATEMENT OF JACOB BROWNING, A SHOSHONE INDIAN OF THE FORT HALL RESERVATION, IDAHO.

On May 14, 1880, the chiefs and headmen of the Shoshones, Bannocks, and Sheepaters agreed to surrender their reservation at Lemhi and to remove and settle upon the Fort Hall Reservation, in Idaho. The chiefs and headmen of the Shoshones and Bannocks, of Fort Hall, agreed at the same time to the settlement of the Lemhi Indians upon the Fort Hall Reservation, and also to cede to the United States certain described territory.

The agreement in question was not ratified by Congress, but the Government took our lands and paid the Indians from the Lemhi Agency the amount agreed in article 3 of the agreement. The Indians of the Fort Hall Reservation were to receive the sum of \$6,000 per annum for 20 years, "this sum to be in addition to any sums to which the above-named Indians are now entitled by treaty"; but our Indians of the Fort Hall Reservation have not received any of the money which was to be paid at the rate of \$6,000 per year for 20 years. We have inquired why we did not receive this money, but have never been given any explanation. We think we should be paid for the cession of this land and that we should receive the \$120,000, with interest, for the time it was agreed to be paid.

STATEMENT OF GEORGE TENDON, SON OF CHIEF TENDON, FORMERLY OF THE LEMHI RESERVATION, BUT NOW OF THE FORT HALL RESERVATION.

The Government told my father and our people that if we would leave the Lemhi Reservation and go to the Fort Hall Reservation they would give each of us 160 acres of irrigable land and 160 acres of grazing land on the Fort Hall Reservation. That is why we ceded our land on the Lemhi Reservation to the Government, because we thought each of us would get 320 acres on the Fort Hall Reservation.

The Government also promised us in this agreement that they would pay the expenses of moving our people from the Lemhi Reservation to the Fort Hall Reservation, and promised to provide \$5,000 to be expended for this purpose. We understood this money was to be used to buy our provisions, to buy forage for our stock, and also to pay the cost of hiring teams and wagons for moving. As soon as we left the Lemhi Reservation the Government did feed us for the first day, but they did not give us any provisions after the first day and did not supply our horses with any hay at any time during the journey, but they did give us a little horse feed after we reached the Fort Hall Reservation. We do not know where this money went. It was not spent for our people. Our people were promised pay if they would assist in moving; that is, our people who had horses and who helped to move the people who did not have horses were to receive pay, just the same as if our people had been moved by white persons, but the Government never paid any of our people for this assistance in moving.

Instead of the Government keeping its promise to give us 160 acres of irrigable land and 160 acres of grazing land on the Fort Hall Reservation, they have given us only 20 acres of irrigable land and 160 acres of grazing land. This is not satisfactory to our people. We think we ought to have what the Government promised us, especially since there is plenty of land on the Fort Hall bottoms that has not been allotted and which is susceptible of irrigation and which would make us good homes. Since our people moved to the Fort Hall Reservation they have stayed there the year round and have tried to make a living upon the land which the Government gave them, but they can not do so very well, because the 20 acres of irrigable land is not enough and because the Government does not supply enough water during the growing season to water even these 20 acres of land. I myself have tried to farm my land during the past three seasons, but the crops have not done very well because I could not get enough water, because the lateral gates from the main canal are placed at such low levels that the water will not flow naturally upon our land. We think that the supply of water should be increased and that these lateral gates should be changed to better levels, so that our people can have all of their irrigable land irrigated. If this were done we could raise better crops and have more money to spend. The Government undertook this work for us, and they should do it right.

There is no supply of fresh water, and the Government should bore or dig wells for us, so that we could have plenty of water for drinking purposes and for watering our stock. The Government moved us from our old home and wanted us to live on the Fort Hall Reservation, and we think that they should now carry out their promises to us.

I was sent to Washington to talk these matters over with the Brotherhood of North American Indians and to ask that something be done for our people. The chiefs and headmen asked me to come here and tell these things to the Government for the benefit of our people.

Our people hope that Congress will do something for us and will authorize that the agreements made with our people shall be carried out as our people understood them.

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On July 30, 1863, the Government made a treaty with the Northwestern Bands of the Shoshoni Indians, represented by their chiefs and warriors. That treaty was ratified, with certain amendments, March 7, 1864. While it was a treaty of peace and friendship, my people assented in that treaty to the provisions of the treaty of Fort Bridger.

Article 4 of the treaty provides that the country claimed by Pokatello, for himself and his people, is bounded on the west by Raft River and on the east by the Porteney Mountains.

Notwithstanding the provisions of this treaty, the territory claimed by Pokatello, for himself and his people, and assented to by the Government, the lands have been taken by the white people. Our people have not been paid for this land. We believe that we should be paid for this land. The Government recognizes it as our land and the treaty agreement has been violated. Either the land should be given to us that is described by article 4 of this treaty or we should be paid a fair value for the land.

October 1, 1863, a treaty was entered into between the Western Bands of the Shoshoni Nation, of which my father was a member, and the Government. This treaty was ratified June 26, 1866. Article 5 describes the boundaries of the lands, while article 6 promises that whenever the President of the United States shall deem it expedient for them he is authorized to make a reservation for their use in any part of the country described in article 5. Although this promise was made by the Government, it has never been kept by our "Great White Father." My father's people wander from place to place; some of them are on one reservation, some of them on another, while many of them live in the small towns of Wells, Elko, and Teeth, of Nevada.

I believe the Government should give my father's people a reservation, so that they can have allotments of land like my brothers have been given on the Fort Hall and other reservations. The Government should look into this and give my father's people their rights.

BANNOCK REPORTS.

REPORTS OF THE FORT HALL INDIANS.

We, Indians of the Fort Hall Reservation, are being allotted by the Government.

Mr. Sams is the acting agent, at which he is working right to-day. Mr. Sams has almost completed his work, but the result is that Mr. Sams forbids any Indians to take any choice of the bottoms land, of which the majority of the Indians depend on for hay for the cattle and horses during the winter; and what is the reason that Mr. Sams would not allot the land to the Indians? The bottoms must belong to him, he seems to have so much to say about the bottoms. The Indians all want to hold onto that part of the land; they don't want to give it up.

About the allotment—the Indians are not satisfied with the 20 acres. We want to get and have the same rights as the white men have. The 80 acres would be more satisfactory than the 20 acres. I know for myself the white man has no 20 acres for a farm. Some have 360 acres. We were the first ones who owned the land, and why shouldn't we have our rights about our land?

THE WATER RIGHTS IN CHESTERFIELD.

The water that the white people are now damming comes from or on the reservation, and that is the Indian's water. There are also 22 Indians who had land allotted off the reservation here a few years ago who are not getting any water also; and also the spring or head of the stream is on the reservation. It looks to me that the Indians have just as much right as the white men, and more, because the water belonged to the Indians at first; but that is no reason for the white people to shut the water off from the Indians.

Mr. Tom La Vatta is in the same condition—no water—it is also taken from him. Mr. Tom Tipson is also in the same condition, and also the Bannock Creek Indians; their waters are taken from them.

PUBLIC ROADS.

The white people build a road over the reservation, the width being 100 feet all the way, and we do not know anything about that. An accident happened last fall, and we do not know anything about the accident. I know that if the white men got killed anywhere they would look into the matter very close and deep.

CATTLEMEN.

Mr. Evans is one of the cattlemen that is now on the reservation. We Indians all forbid the cattlemen off the reservation from now on. We do not want any more on there. We haven't got any money for their cattle grazing on our land, and also they killed one woman and man since they have been on our land. There are also two churches on our reservation, and we don't know anything about one church there on the reservation; one we do know something about. About the other one, the Indians are going to more often, and the other is making more trouble than good.

There are also many small boys attending that school, and the boys are too small to work on the farm, but still the men work too hard for the small boys from morning until night and at hard and heavy work. There have been two boys crippled this fall—had their legs broken by moving a barn.

CANAL.

Five years ago there has been a canal built through our reservation, and I think that that canal was built for the benefit of the Indians. Instead we getting our share of the water it goes on to Pocatello for the white people, and why is that done? We don't get hardly any water at all. This is all of our report, I think.

Mr. PAT. L. TYLER.

SISSETON AND WAHPETON BANDS OF SIOUX INDIANS.

TO WHAT EXTENT HAS THE UNITED STATES PROFITED IN THE VARIOUS TRANSACTIONS WITH THESE INDIANS?

Now, let us see to what extent the Government has profited in its various transactions with these Indians, taking \$1.25 per acre, the minimum price of public lands, as a basis of calculation.

TREATY OF 1851.

As has been seen, these Indians, by the treaty of 1851, ceded to the United States over 32,000,000 acres of land, and that the only consideration ever received by them for this vast domain was the \$305,000 paid out under the treaty. It has been shown that \$250,000 of that \$305,000 was paid by an agent of the United States to one Hugh Tyler, a stranger in the country, in violation of the terms of the treaty and the act of Congress making the appropriation as well. The 32,000,000 acres ceded at \$1.25 per acre amounts to \$40,000,000, and if the Indians are to be charged with the whole of that sum we find a net profit in this transaction, but if the \$250,000 wrongfully paid to Hugh Tyler be not charged, then the profit to the Government would be \$39,945,000.

In this connection we desire again to invite attention to the fact that under the treaty of 1851 the United States took this 32,000,000 acres of land and at the end of 50 years took the consideration agreed in the treaty to be paid therefor, and that all the Indians ever received for this vast domain was nine and seventeen thirty-seconds of a mill



per acre, which, as stated by the Senate Committee on Indian Affairs, was "a great and monstrous wrong without parallel in the history of any civilized Government, and for which, by every reason of justice and fair dealing, full reparation should be made." (S. Rept. No. 1441, 55th Cong., 3d sess., p. 6.)

#### LANDS ON THE NORTH SIDE OF THE MINNESOTA RIVER.

It will be remembered that the Senate, by resolution of June 27, 1860, fixed the price of the lands of these Indians lying on the north side of the Minnesota River at 30 cents per acre. It was ascertained that said lands contained an area of 569,600 acres, which, at the price fixed by the said resolution, amounts to \$170,880. These lands at \$1.25 per acre amount to the sum of \$712,000, and by deducting therefrom the \$170,880 we find the profits to the Government in this transaction to be \$541,120.

#### LANDS WHICH SHOULD HAVE BEEN SET APART FOR THESE INDIANS AS DIRECTED BY THE ACT OF MARCH 3, 1863.

As has been seen, that act of 1863, in the most positive terms, directed the President to set apart for these Indians 80 acres of good agricultural land for each member of these bands, which, at that time, as found by Chief Justice Nott of the Court of Claims, numbered 4,524, and the area of lands which should have been set apart for them is 361,920 acres, and which, at \$1.25 per acre, amounts to \$452,400.

#### TREATY OF 1867.

In order to carry out the agreement of the United States contained in article 6 of the treaty of 1867, to place these Indians in an agricultural position, such as they occupied prior to the outbreak of 1862, as specified to be the object and purpose of said article 6, Congress, at various times, appropriated the aggregate sum of \$464,953.40, and said sum was wrongfully charged by the court against the annuities provided for by the treaty of 1851, in direct violation of said sixth article of the treaty of 1867, and also in strict violation of section 2097 of the United States Revised Statutes.

#### DAMAGES.

As has been seen, Congress, by the act of 1863, charged \$100,000 as damages against the annuities of these Indians. The court charged the additional sum of \$586,328.96 against the annuities of these Indians on account of damages resulting from the outbreak of 1862, without authority of law and in direct violation of the positive and explicit terms of sections 2097 and 2098 of the United States Revised Statutes, and besides these people committed no damage, being loyal throughout said outbreak.

#### SUBSISTENCE.

The sum of \$200,000 wrongfully and illegally charged against the annuities of these Indians.

#### AGREEMENT OF 1872.

The total area, as has been seen, of the country ceded by the agreement of 1872 is 9,149,422.12 acres, which, at \$1.25 per acre, amounts to the sum of \$11,436,777.65, and by deducting the \$800,000 paid the Indians under said agreement, we find a balance in favor of the Government of \$10,636,777.65.

#### RECAPITULATION.

Treaty of 1851	\$39,945,000.00
Lands on north side of Minnesota River	529,870.00
Lands not set apart under act of 1863	452,400.00
Article 6, treaty of 1867	464,953.40
Damages	586,328.96
Charged for subsistence	200,000.00
Lands ceded by the agreement of 1872	10,636,777.00
Total	52,815,330.01

#### POTTAWATOMIE INDIANS.

Article 9 of the treaty of June 5 and 17, 1846 (9 Stat. L., 853), it was agreed that the buildings occupied as a missionary establishment, including 20 acres of land now under fence, shall be reserved for the use of the Government agency; also the houses used for the blacksmith house and shop shall be reserved for the Pottawatomie's smith, but should the property cease to be used for the above-mentioned purposes, it shall revert to the use of the Pottawatomie Nation.

Under the terms of the act of April 6, 1854 (10 Stat. L., 270), for the relief and benefit of Council Bluffs, Iowa, Franklin Street, county judge of Pottawatomie County, Iowa, on the 10th day of May, 1854, entered the tracts designated in said act, one of which tracts is the west half of the southwest quarter of section 30, township 75, north of range 43 west, which tract embraces the 20-acre tract reserved by the treaty. Said tract having been diverted for purposes other than specified by said treaty of the same reverted to the use of the Pottawatomie Nation, but said nation has never had the use thereof, because, under the authority of an act of Congress, it is embraced within the city of Council Bluffs, Iowa.

The said tract by reason of it being within the said city is very valuable, and the United States, having diverted it from the use specified in the treaty, is responsible to the Indians for the value thereof.

The Citizen Band of Pottawatomies of Oklahoma and Kansas allege that the United States Government owes them large sums of money for lands which were ceded to the Government under various treaties. This money, these Indians allege, in many instances, was wrongfully withheld, and also that the Government never fulfilled the stipulations of many of the treaties made with those Indians as fully as it should have done. A comprehensive history of their claims and the various treaties, dating from 1789 to 1890, will be made later.

The Citizen Pottawatomie Indians came to Oklahoma in 1871 and settled on a reservation 30 square miles in extent, which land was bought from the Government in 1867. The lands of the Citizen Pottawatomie Indians are now allotted. They are reasonably industrious and progressive, but most of them are poor. They now ask Congress, in the name of justice, that some relief be accorded them in the departments, Congress, and the courts, as the circumstances will allow.

#### ASSINIBOINE INDIANS.

By the treaty of September 17, 1851, known as the treaty of Fort Laramie (Revision of Indian Treaties, 1047), which treaty the Court of Claims has decided is binding upon all parties thereto (45 Ct. Cls., 177), a large tract of country containing several millions of acres of land was recognized as belonging to the Assiniboin Indians. This tract of country has been taken from these Indians without their consent and without compensation to them therefor. Some provision of law should be enacted whereby these Indians who believe they have been deprived of their lands without their consent and without compensation may be enrolled to receive their just dues.

#### BLACKFEET NATION OF INDIANS.

By the treaty of September 17, 1851, known as the treaty of Fort Laramie (Revision of Indian Treaties, 1047), certain territory as therein described was recognized as belonging to the Blackfeet Nation of Indians. (Nos. 398 and 399, maps of Montana, 1, and Wyoming, 1, Indian Land Cessions in the United States, Royce.)

By the treaty of October 17, 1855 (11 Stat. L., 657), certain territory, as therein described, was recognized as belonging to the Blackfeet Nation of Indians, to which other territory on the east was added by the act of April 15, 1874 (11 Stat. L., 28). (Nos. 399, 565, and 574, Montana, 1, Royce.)

By the same treaty the Blackfeet Nation of Indians agreed that certain territory therein described, which was assigned them by the treaty of Fort Laramie, should be a common hunting ground for 99 years. (No. 398 Montana, 1, and Wyoming, 1, Royce.)

By agreements of 1888 (25 Stat. L., 113) the Blackfeet Nation of Indians ceded to the United States all the lands set apart for them by the treaty of 1855 and added thereto by the act of 1874, except certain small reservations No. 693, 694, and 695, on Royce's maps of Indian land cessions. (Montana, 2.)

But the Blackfeet Nation of Indians have never ceded or relinquished their title to the lands agreed to be set apart as common hunting grounds by the treaty of 1855 (Nos. 398 Montana, 1, and Wyoming, 1, Royce), about two and a half million acres of which is now embraced in the Yellowstone National Park. The balance of the land has been opened to settlement.

#### MEMORANDUM, FORT BERTHOLD INDIANS, FORT LARAMIE, OF 1851.

From time immemorial the Sioux, the Cheyennes, the Crows, the Assiniboin, the Gros Ventres, Mandans, and Arickaras owned and occupied a vast region of country in what is now the States of Montana, North and South Dakota, Wyoming, and Colorado.

The fact that the boundaries of the lands owned and occupied by these several tribes were not clearly defined caused much trouble and contention among the several tribes, and in order to reach a satisfactory adjustment thereof the President appointed a commission consisting of D. D. Mitchell, superintendent of Indian affairs, and Thomas Fitzgerald, United States Indian agent, to meet the various tribes in council with the view of determining and fixing the boundaries of the lands belonging to each tribe. The commission met the several bands in a general council, held at Fort Laramie, which resulted in the treaty of September 17, 1851, known as the "Treaty of Fort Laramie" (Revision of Indian Treaties, 1047), by the terms of which the lands recognized as belonging to the respective tribes were definitely fixed by proper and accurate description.

That treaty was ratified by the Senate February 24, 1852, with an amendment of section 7 as to the payment of certain moneys, which amendment was accepted by the Sioux, the Assiniboin, the Gros Ventres, the Mandans, and the Arickaras (Laws relating to Indian affairs, 1884, pp. 317-322), but the treaty has never been proclaimed. The Court of Claims has decided that the treaty is binding on all parties thereto. (45 Ct. Cls., 177.)

The lands belonging to the Gros Ventres, Mandans, and Arickaras, as recognized and defined by that treaty are fully described therein, and contain an area of about 13,142,560 acres. These lands so recognized as belonging to the several tribes of Indians remained in that condition until the year 1870, when, by Executive order dated April 12 of that year, certain portions of the lands so recognized as belonging to said Indians by the treaty of 1851 were set apart as a reservation for them, the area thereof being about 8,320,000 acres and being about 4,822,560 acres less than the area of the lands described in the treaty of 1851, which latter lands the Indians were illegally deprived of without their consent and without consideration, and which lands have never been restored to the public domain by Executive order, treaty, or act of Congress. This situation remained unchanged until 1880, when, on the 13th day of July of that year, an Executive order was issued restoring to the public domain all the lands described in the Executive order of April 12, 1870, except about 1,500,000 acres and a tract of land not included within the boundaries of the land described in the treaty of 1851 but lying north thereof and containing about 1,412,000 acres, which was added thereto, the two tracts containing a total area of about 2,912,000 acres.

The evident purpose of the Executive order of 1880 was to restore these lands to the public domain to the end that the Northern Pacific Railroad Co. might obtain title to the odd sections falling within the grant to that company, the Indian title to which the Government obligated itself to extinguish by section 2 of the act of July 2, 1864, incorporating said company (13 Stat. L., 367). That this was the object of the Executive order is clearly shown by the description of the lands restored by the order, which order recites: "Beginning at a point where the northern 40-mile limit of the grant to the Northern Pacific Railroad intersects the present boundary of the Fort Berthold Indian Reservation; thence westerly along the line of said 40-mile limit to its intersection with the range line between ranges 92 and 93," and so forth.

Whatever the purpose had in view in restoring these lands to the public domain, the fact remains that they were illegally restored without the consent of said Indians and without consideration passing to them, and that such restoration did not extinguish the Indian title thereto.

The area of the land set apart by the Executive order of April 12, 1870, is 8,350,000 acres (Indian Office Report 1876, p. 226), and by deducting therefrom the 1,500,000 acres retained by the Executive order of July 13, 1880, we find that the order illegally restored to the public domain 6,820,000 acres of the lands described in and acknowledged to belong to these Indians by the treaty of 1851. By adding thereto the 4,822,560 acres of land described by treaty of Fort Laramie, which was not included in the Executive order of 1870, we find the total to be 11,642,560 acres, and by deducting therefrom the 1,412,000 acres lying north of the Missouri River and north of the lands described in the treaty which were added to the reservation by Executive order of July 13, 1880, there still remains 10,330,560 acres, which these Indians have been illegally deprived of without their consent and without consideration passing to them. As before stated, these Executive orders did not extinguish the title of the Indians to these lands.

This brings us to the consideration of the agreement with these Indians of December 14, 1886, ratified by act of March 3, 1891 (26 Stat. L., 989).

As has been seen, the reservation of these Indians at that time, after the illegal acts of the Government restoring certain portions of their lands to the public domain, contained an area of 2,912,000 acres. By that agreement these Indians ceded a portion of their diminished reservation to the United States, estimated to contain an area of 1,600,000



acres (Indian Office Report 1887, p. 29), and the diminished reservation thereby established contains an area of 965,120 acres. By deducting that from the area of the diminished reservation of 2,912,000 acres, it will be seen that the country ceded by said agreement contains an area of 1,946,880 acres, being 346,880 acres in excess of the estimated area contained in the cession.

In consideration of the lands ceded, the agreement provides for payment to these Indians of 10 annual installments of \$80,000, aggregating \$800,000, being at the rate of 50 cents per acre for the estimated area contained in the cession (1,600,000 acres).

The twenty-fifth section of the act of March 3, 1891, ratifying the agreement with these Indians provides that when the lands thereby ceded shall, by operation of law or by proclamation of the President of the United States, be opened to settlement, they shall be disposed of to actual settlers under the provisions of the homestead laws, and each settler shall pay, in addition to the fees required by law, the sum of \$1.50 per acre. (President's proclamation, May 30, 1891, 27 Stat. L., 979.)

As has been seen, the ceded country contains an area of 1,946,880 acres, which at \$1.50 per acre, the price fixed by the act of March 3, 1891, amounts to \$2,920,320, and by deducting therefrom the \$800,000 provided for by the agreement of 1886, it will be seen that the Government got the best of the Indians in this transaction to the extent of \$2,120,320, besides the 346,880 acres in excess of the estimated area of the cession, at \$1.50 per acre, amounting to \$520,320, the total advantage to the Government in this transaction being \$2,640,640—that is, the guardian got the better of the ward to that extent, measured in dollars and cents.

#### MEDAWAKANTON AND WAHPAKOOTA BANDS OF SIOUX INDIANS, OTHERWISE KNOWN AS THE SANTEE SIOUX INDIANS.

By the treaty of August 5, 1851 (10 Stat. L., 954), the United States agreed to pay said Indians \$1,410,000, out of which sum certain payments were to be made, as therein specified, leaving a balance of \$1,160,000, which was to remain in trust with the United States, at 5 per cent interest paid thereon annually for the period of 50 years, commencing July 1, 1852. The third article of said treaty setting apart a reservation for said Indians was stricken out by the Senate in the ratification of said treaty, and by the amendment thereto the United States agreed to pay said Indians at the rate of 10 cents per acre for the land embraced in the reservation provided for by that article, the amount, when ascertained, to be added to the trust fund. It was ascertained that said reservation contained 690,000 acres and at 10 cents per acre amounted to \$69,000, which being added to the trust fund makes a total of \$1,229,000, yielding an annual interest of \$61,450.

The ignorance of the Indians was taken advantage of and a clause inserted in the treaty of 1851 that interest on the principal sum for 50 years should be in full payment of both principal and interest, so that as a matter of fact the Indians never received a penny for the lands ceded by the treaty of 1851.

Of the \$220,000 agreed by the treaty of 1851 to be paid to the chiefs, the sum of \$70,000 was paid by an agent of the United States, one Hugh Tyler, a stranger in the country. (See S. Ex. Doc. No. 61, 33d Cong., 1st sess.)

Under date of April 29, 1868, the United States entered into a treaty with various bands of Sioux Indians, among them the Santee Sioux (15 Stat. L., 635), by article 2 of which a reservation was established for the several bands, parties to said treaty, as therein described and bounded, and which treaty was proclaimed February 24, 1869. Immediately upon the ratification and proclamation of said treaty the several bands, parties thereto, became vested with an undivided interest in and to the lands within the said reservation so established.

By the act of Congress of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes" (26 Stat. L., 888), the several bands, parties to the treaty of 1868, were given separate reservations out of the lands set apart as a reservation by said treaty, except the Santee Sioux, and by the terms of said act the Santee Sioux were deprived of their vested rights under the said treaty of 1868. The said act of 1889 is unjust, arbitrary, and unconscionable, and, besides, wholly unconstitutional, in that it deprives the Santee Sioux of their property without compensation and without due process of law.

#### COLVILLE TRIBE OF INDIANS.

The Colville Indian agent made the announcement that the Indians under his agency who had intrusted him with the care of their Government money would all be paid between the months of May and June, 1911. It was understood by all that each individual Indian having an allotment on the Colville Reservation was entitled to \$500 at the first payment.

The date came and has passed almost one year, and the actual number of Indians who got their first payment is estimated at one-third of the total number, and these were mostly from among those that really did not need the money as bad as other poor, unfortunate, and uneducated Indians. Some received all the way from \$10 to \$500 in partial payments. Many were compelled to buy articles under the supervision of the Indian farmer in order to secure the benefit of their money. The remaining two-thirds have not received a cent, and it begins to look as though they never will get it, for the agent pays no heed to their applications whatsoever.

Upon the request of the Indians to the agent for their money, the agent promises to send their application to Washington, D. C., to get the authority to pay the money, and the Indians have been waiting for six months, and these applications have never returned.

The agent makes the excuse that the Indians are not capable of taking care of the money, or they may spend it for liquor, and many are not paid because the agent claims they are not on the roll, which is not true, because if they are entitled to an allotment they must be on the roll.

There has been a treaty made between the Colville Indians and the Nez Perce and the Umatilla Indians, and the understanding was that all the children of the latter two tribes could be allotted on the Colville Reservation, but that is all they would be entitled to. It was definitely understood that they would not receive any of the money due the Colville Indians. These two tribes, the Nez Perce and the Umatilla, have already sold their lands and have long been paid their money and already disposed of it, so they need not expect any money from the Colville's Government money.

The treaty for the Colville Indian money was made in 1892 and many of the old Indians who helped make this treaty have died without receiving any of their money. Now the authorities claim that the heirs of these deceased Indians are not entitled to their money. The

statement is made that the deceased people's money is divided among the several Indians, yet we find that our payments never are increased when there is a death, which goes to show that this money must be taken by some one who is posing as a friend to the Indians and who is robbing them at every opportunity.

The agent of the Colville Indians has openly refused to allow native-born Colville Indians any allotments on our reservation. There is a case of one family who asked to be allotted, and they were refused. The Colville Indians are willing that they should have allotments and they are willing that they shall be entitled to their proportionate share of the Colville Government money.

#### JAMES BARNARD, CHIEF OF THE COLVILLES.

One thing I am sorry about. Some time ago the Indians in the northern country made a treaty and the whites divided my reservation—cut it in two.

Here is another treaty that was made in early times: There is a strip of land about 6 miles wide running down to what is called the Spokane River. The Government made a treaty for this 6-mile strip and the money was never paid. In those days the old-time chiefs did not have any education and had not learned the ways of the Government, so when the treaty expired they did not make any move to renew the treaty. The people who made the treaty are all gone; have all died out. The treaty was made in 1891 for one part of our reservation for one and one-half million dollars. Shortly after the treaty was made some lawyers came in there and signed a kind of a contract for the collection of the money, and after they got the contract signed the lawyers brought the papers into Washington. It was never known whether the papers were destroyed, or what was done with them, or whether they are now in the Indian Office here. The Government never said anything about it. Maj. Anderson was one of the lawyers. About three years ago I went into Spokane and saw a lawyer by the name of Peacock; got him to write a letter to Senator JONES inquiring with regard to the money. I got an answer from Senator JONES that the money had already been sent out there and told me that within 10 days he would write me another letter. I got a second letter, telling me that the money was in the Indian Department. After finding out where the money was I inquired of the Indian Department about the money. Senator JONES went to the Indian Department and asked, "Why do you not send this money to the Indians?"

The Indian Department told Senator JONES that the Indian agent, Webster, was working hard in taking the census, and as soon as he got through with the taking of the census of all of the Indians they would get the report from him; that they were waiting for his report. And we have never seen Webster for the last six or seven years. The report was that he was among the Indians taking the census, but he never showed up.

Last year I wrote to Senator JONES again and asked him about the Indian money, and he said I would receive the first payment the 1st of next March. They started in paying off some of the Indians last June, and there are only about one-third of the Indians who got anything—some of them about \$500, some \$150, and some \$10 and \$15, and so on—and that is the way the Indian has been paid off since they started in to pay, and only one-third of the Indians have been paid anything within that time. We asked the Indian agent how many Indians were entitled to that money, and he never told us how many there were. Many times we have asked the agent how many Indians are entitled to payment, and he says from 1,500 to 2,000, sometimes 3,000, or something like that; he never told us just exactly how many.

I asked an Indian farmer, How much interest is all this money drawing? The Indian farmer tells all the Indians it is drawing from 1½ to 2½ and 4 per cent interest in the national banks. I can not understand what he means about the interest on the money.

#### WHITE OAK POINT BAND OF CHIPPEWA INDIANS OF MISSISSIPPI RESIDING IN MINNESOTA.

The act of January 14, 1889, provides the President is thereby authorized and directed to designate and appoint a commissioner for the purpose of negotiating with all the different bands or tribes of Chippewa Indians in the State of Minnesota for the complete cession and relinquishment in writing of all their title and interest in and to all the reservations of said Indians in the State of Minnesota except the White Earth and Red Lake Reservations, and to all and so much of these two reservations as in the judgment of said commission is desirable. The commissioners exceeded their authority under the act by making more promises than required of them under the act, in order to secure the assent of the Indians to the act, trusting that the Government would fulfill those promises, which promises the Government has utterly failed to fulfill. The act provides for the completion of the allotments before the lands are to be opened to settlement. The total number of White Oak Point Chippewas of the Mississippi remaining unallotted, including children born since 1900, is 173. There are 34 adults unallotted. Notwithstanding the fact that many Indians have not been allotted, the Government closes business with this band of Chippewas of the Mississippi who were allotted in severalty under the law upon the Chippewa Reservation, the so-called "Minnesota National Forest," and few were allotted on the White Oak Point Reservation.

About three years ago Congress created what is called the "Minnesota National Forest" out of this Chippewa Reservation, and the Indians are not allowed to cut any wood, even the dead and down timber, for firewood without permission from the rangers, and even on their allotments they are not allowed to cut timber; they have to get permission to cut hay on the hay lands, but the forestry people lease the hay lands and cut and sell green wood that they do not allow the Indians to cut and sell. In the event that House bill 22590, a bill for the civilization and relief of the White Oak Point Band of Chippewa Indians in Minnesota, and for other purposes, introduced March 29, 1912, by Hon. C. A. LINDBERGH, does not become a law, the delegation of the White Oak Point Band who are now in the city of Washington representing their band protest against opening any more of their lands either outside or inside of the forest reserve, and the Indians shall not accept pay for these lands from the Government so long as they are to be disposed of contrary to the treaty. This band of Indians demand the same rights as the White Earth Chippewas of the Mississippi, for the simple reason that they belong to the same tribal band and are under the same treaties, and no discrimination whatsoever should be permitted or be made.

#### CHIPPEWA INDIANS, LA POINTE BAND, BAD RIVER RESERVATION, WIS. STATEMENT SUBMITTED TO BOARD OF INDIAN COMMISSIONERS BY A. DENOMIE, APRIL 15, 1912.

With a request that the board forward it to the proper officials, Mr. Denomie left a statement which, in substance, is as follows:

Concerning himself, Mr. Denomie says that he is a member of the La Pointe Band of Chippewa Indians residing at Odanah, Wis., being a



citizen, and that he, his wife, and three children have allotments; that in spite of his limited education he was elected successively constable, justice of the peace, and town treasurer of the town of La Pointe, overseer of highways of Mayfield, and assessor in the town of Washburn; that he was twice chosen by an Indian council a member of a committee on heirship, in which capacity he served until the agent appointed another committee to displace that chosen by the Indians and later expelled Mr. Denomie with trumped-up unsustained charges from the reservation on charges which were later changed to "talking too much"; that he (Mr. Denomie) has considerable expert knowledge of timber matters and of mining, having done much important work in both lines.

Mr. Denomie asks the Graham committee either to send two of its members to the La Pointe or Bad River Reservation and investigate conditions there, thus securing for themselves the facts and truth as they exist, or else subpoena five or six members to come here and give testimony, whose names he says he can furnish any time desired, including himself.

Against the Stearns Lumber Co., operating under contract on the La Pointe Agency, he brings charges of illegal operations under the following heads:

1. The cutting of timber not contracted.
2. Allowing fires, set under permit that they claim to have, to spread beyond proper confines, scorching sound timber, rendering it liable to be cut, destroying timber not in contract by fire.
3. The construction or contemplated construction of dams which would endanger by inundation and eventually destroy much sound timber.
4. Failure to promptly execute contracts by cutting and removing green timber; allowing its depreciation in value by reason of fire and other causes, resulting in loss to the Indian owners.
5. Failure to give an accounting to Indian owners for the cutting of scorched timber not in existing contracts.
6. Engaging in open violation of a pledge made to the Indians in various mercantile activities, including the sale of dry goods, clothing, millinery, groceries, grain, tobacco, drugs, and wagons, and maintaining a coupon system which restrains free trade.
7. Preferring to cut unaccounted timber to the Indian owner, thus deferring the cutting of contracted, accountable timber, to the loss of the owner.

Against the local management of the La Pointe Agency, Mr. Denomie charges:

1. That in the past there has been conspicuous persecution of intelligent Indians who, in the interest of themselves and less able members of the tribe, have remonstrated against local conditions.
2. That Indians with inherent rights have been discriminated against in favor of Indians without rights on the reservation.
3. That the Indians' right to participate in their own affairs through their tribal councils has been disregarded.
4. That the Stearns Lumber Co. have been condoned in the illegal operations before charged.

Against the Indian Office Mr. Denomie charges:

1. The sending of incompetent officials who largely ignore the progressive Indians and give undue credence to statements of those of the ignorant class, and who render reports favorable to the lumber interests of those now operating.
2. Neglect of complaints made by Indians.

3. Whisky fighting only pretentious; is a farce and misleading. The men handling such have been protected and guarded by officials.

I have carefully read the foregoing statement, which I submitted to the officer of the Board of Indian Commissioners as therein stated, in the belief that the charges therein can be substantiated before any body competent to investigate them.

In addition to what I said here the other day, I desire to further express to my fellow brothers my feelings and views on this work for unity whereby we may win. With the aid and by uniting our forces with our sympathizing white brethren there is nothing impossible. If we only find and follow the right way it is possible that we may regain our lost reigning powers of this our glorious country.

We have the larger proportion of the population on our side, but helpless as we, in their fight against the Money Trusts, whose powers seem to control our very Government officials whose appointment they cause for their use. I mean outside of those money-crazed monopolists the common people, in general, have a friendly feeling toward us and our cause, and by uniting our forces with them there is a possibility of overthrowing the money oligarchy and regaining that which our forefathers in their ignorance have lost, the inheritance of their children.

Right is might. Our oppressors—the money powers—are in the wrong, wrong—in error. Error is evil belonging to the so-called devil. Evil can not prevail but must perish. Only good, which is God, is real, eternal, and indestructible. Error is unreal, therefore is temporal and mortal. We have a just and right cause. We are on the good, God side, therefore the real and indestructible, immortal, the side that can not be defeated. Discovering these facts is winning half the battle and will prevent permanent defeat.

As I said, we have friends even in our enemies' camp with whom we must unite, besides using the educational forces of our young men who have reached the age of enlightenment. I say besides them we must work in unity and concentrate our action on them. First, we must find out who are our friends. They are the common people who suffer as we. Second, we must not forget to watch out for those who make glaring offers of full dinner pails, but which really means empty instead of full.

From boyhood I have heard the old claiming they never sold the land of their children to the United States. A few days ago I happened to meet a man who claimed to be a Government official and who was very intimate, telling me confidentially, without my having asked him, that as a Government official he had opportunity to search the records showing whether the Indians of my country had ever sold their territory and was unable to find any such record that would be in any way binding.

So, my fellow brothers, it has been the custom of the Government in dealing with the Indian people to select the ignorant, uneducated ones who do not realize the value of things in question. This happened in our reservation recently, when the ignorant were selected to go out and condemn lands by subdivision; lands whose timber should be cut by the lumber company. Men who did not know what township they stood on, to say nothing about the sections or its subdivisions, were selected for the work by the agent. So it has been the custom in dealing with matters of untold wealth.

Another wrong is this giving authority to the Secretary of the Interior to use his judgment in important matters without consulting the Indian

owners or securing their consent. These are the causes that bring to us our present troubles.

Now, my fellow brothers, I want to advise this, that the greater part of us being incapable by insufficient education to cope with the white man in attending to our business matters, I want to ask you and advise you, for the future welfare of your children's children, to trust more to your educated members to handle your tribal matters as well as personal matters, and to seek to secure for your children the best education possible in good, unhampered, Government schools.

Now, my fellow brethren, while I do not consider it at this time to be advisable to speak about anything in the nature of politics, I desire, however, to say this much, having failed to see any attempt made on the part of our present administration to uncover the facts in our present deplorable condition with the view of adjustment, I say having failed to see any move toward this end, I for one have totally lost my confidence in this present administration for any right treatment, therefore I am in favor of a change of administration before I can look for betterment. I am not for Harmon, but for a Bryan Democratic President. CHAMP CLARK, our next President, is my choice. To him I look for the betterment of the present deplorable, oppressive conditions of the common—consuming—people as well as our own people. For him I shall cast my vote, and for him I have caused a paper to be started called the Odanah Star, of Wisconsin.

#### NAVAJO INDIANS.

Certain appropriations were made to carry out the treaty of June 1, 1868, with the Navajo Indians (15 Stat. L., 667), of which the sum of \$156,651.74 was covered back into the Treasury. A full history of this transaction may be found printed in the Annual Report of the Commissioner of Indian Affairs for the year 1882, pages 68 and 69.

#### THE QUINAIALT TRIBE OF INDIANS.

Under the treaty of July 1, 1866, the Quinaielt Tribe of Indians was recognized as being the owner of a large tract of land, which is shown in the eighteenth annual report of the Bureau of American Ethnology, otherwise known as Royce's Land Cessions, plat 60, map of Washington, by No. 371.

The following extracts are taken from the report:

"July 1, 1856. January 25, Quenilt River and Olympia, Washington Territory, Statutes at Large, XII, 971, Qui-nai-elt and Quil-leh-ute. Cede tract within the following boundaries: Commencing at a point on the Pacific coast, which is the southwest corner of the lands lately ceded by the Makah Tribe to the United States, running thence easterly with and along the southern boundary of said Makah Tribe to the middle of the Coast Range of mountains, thence southerly with said range of mountains to their intersection with the dividing ridge between the Chehalis and Quenilt Rivers; thence westerly with said ridge to the Pacific coast; thence northerly along said coast to the place of beginning.

"Reserve a tract or tracts to be selected for them by the President. "Quenilt Reserve set apart by Executive order of November 4, 1873, extending the boundaries of the original reserve. The extension is shown on Washington map No. 2."

(Kappler's Laws and Treaties (treaties), p. 719, Treaty with the Quinaielt Tribe of Indians, July 1, 1855. Kappler's Laws and Treaties (laws), p. 1040. Statistics of the Quinaielt Tribe of Indians. Kappler's Laws and Treaties (laws), p. 923. Quenilt Reserve, Wash., Executive orders establishing.)

#### THE NEZ PERCE TRIBE OF INDIANS OF IDAHO.

Reference to their claims are fully set forth in Senate Document No. 97, Sixty-second Congress, first session.

#### STATEMENTS OF YELLOW BULL AND ALEXANDER MORRIS, NEZ PERCE INDIANS OF IDAHO.

About a year ago, in 1911, few young men made new regulations concerning the funeral, remains, or body. To hold the remains from 4 to 10 days. Heretofore our bodies were usually buried when the relatives and ministers thought was the right time, or as soon as they are ready to bury the body.

The new regulations seem not to be favored by the majority of the Indians. We respect our bodies, and should put them away when ready.

Unless accident happens to the body, or found, or where a journey may have to be taken, where examination is necessary. Otherwise the new regulation is not favored by Indians. These young men are in connection with the undertakers living near the Indians. It does not seem necessary to hold the body where a person dies from sickness. The furniture stores, where coffins, etc., are sold, are the people who took hand in this regulation. The same men ask for pay aside from coffin, in advance, that they will sell coffins, etc. We must hold the body back until they send a doctor. They do not notify the doctor until they are ready, and the doctor also waits for words from them.

Now, that seems unjust to the Indians. We ask to adjust this new regulation. Our old way seems better.

#### STATEMENT OF CHIEF BLACK WOLF, KLICKITAT INDIAN, OF KAN-A-POO, WASH.

I come here to Washington for the first time and when I saw, for the first time, the beautiful Union Station, the Capitol of the United States, the White House, and all of the fine buildings in Washington, I thought this was all very fine. Then I wondered how they did all these things, where they got all of the money to pay for it. It seems to me that the source from which this money came was the lands which were the birthright of our people, the mineral wealth which made them their money, the timber and the streams were also our birthright. The cities, the railroads, and the great improvements of this country were made from the wealth that belonged to our people, but the officials of this country are not satisfied with that; they are now trying to tax us and make us pay a certain interest for the support of these things out of the little that we have left. Do you think this is right? Would it be more just that a revenue be paid to us for the wealth and the privileges that the people who come to this country from another continent receive than to make us contribute to help them further along. I notice that the white men are very exacting in getting everything that is promised to them, or that they can claim under a contract, but had they been as honest with us in paying everything they agreed to pay under treaties and contracts, it does not seem to me that they would have neglected our people and repudiated their contracts where the consideration was coming to us instead of to them. Do you think this is right? Do you think that all of the people understand these things, or is it only a few men who are doing us this great injustice? If it is only a few men, then we must find out who those few are and try and assist in getting honest and just men to administer the affairs of state, especially the affairs in which we are the most interested.



It seems to me that if the other people, the white people, understand the situation as it really is, they would change their attitude toward the Indians; they would assist us in getting our rights, our justice, and treat us on the same equality with them, giving us liberty and justice equal to all citizens of this country, and not try to keep us suppressed and downtrodden as has been the practice ever since my recollection. If we had the encouragement that we should have, if we had the opportunity that we should have, if we were granted rights with other people, if we had the privilege of ascertaining our rights, we would be in a different condition from what we are to-day.

#### BLACK WOLF KAN-A-POO, COLUMBIA INDIAN.

It made me feel glad to hear the good tidings which came to us from the East when my brother Saluskin and the others came back from Washington. It seems to me that this Brotherhood of North American Indians is like a mother, and that mother is going to help us all—help all the Indians on this North American Continent. Then take it from the father's side. The father has helped every class of people, every nation on the face of the earth. We should follow the rules that have been made to control the whole world. So I said to myself, "I will go there and see what the brotherhood is and see just what kind of a man he is to establish such a thing as this Brotherhood of North American Indians."

It seems to me that the race of Indians has been renewed again—that it has been given new life. New laws have been made for the Indians. The Government ought not to have laws just for the white people and hide the good things from the Indians. This Continent of North America gives a chance for every one to live, a chance for everybody to get wealthy. Looking around and seeing the large buildings all around us, what does it stand for? It stands for the Government of the United States, which is governing all the nations in the Union, which is, I call it, a wise and powerful Government. The Government as it stands to-day is keeping the wealth and the property that is taken out of this country for others and not giving us a chance to get any of it at all. We Indians are dying out, without anything in our pocket, poor, without anything in our homes. Dear brothers, this is the thought that was in my mind, and I thought I would mention it to you. That is all I want to say about that, but I want to say a few more words.

I have 287 Indians in my tribe, and I am representing that many Indians. We want all the allotted land along the Columbia River. I was told when they made those allotments for the Indians along the Columbia River that the laws had come from Washington, D. C. After the land was improved by the Indians there came a white man, and he fenced one-half of the allotments that was made to us. He did that to many of the Indians in my tribe. I went to headquarters, the agency, but they never gave me any help at all. The sheep herders brought their sheep and herded them right in our allotments, which was fenced and improved and crops growing up, and they never paid any attention to us at all; but before the allotments were made they told us that after the allotments were made in our names that we were to keep it and nobody would have any right to invade or do anything on our allotment. Any crop that we wanted to raise it would be ours, and we would get a little money for whatever we raised there.

Then the railroad came through, and they never paid us anything for the land when they cut through our allotments. Stock has been killed by the trains and also some of our Indians. The agreement that the railroad made with the Indians was never kept. The agreement was made with our head chief, a man who has passed away. And there are many more ways in which the Indians have been mistreated by the white people.

The railroad said that if we wanted wood we could have the ties that were taken up by the railroad. Several times I have gone myself to get wood, but could not get any.

#### MEMORIAL OF THE KLIKITAT INDIANS OF WASHINGTON.

##### To the Great White Father:

Long ago when this world was created, when there was no one here but the red man, there were also created the red salmon to run in the rivers, the red deer to run in the mountains, and the camas root in the valleys to provide food for the red man. All this time we were happy. We lived our own way and hunted the deer and caught the fish, dug the camas root and picked huckleberries, and were very happy.

The white man came and drove us from our lands; told us that we could not hunt the red deer or catch the red salmon or dig the camas root or pick the huckleberries. Finally, when we did not move as quickly as the white man thought we should, he forced us to leave, and by a treaty with some of our ancestors, in which members of our tribe or band never joined, he took these lands from us, but he gave us the right to hunt in the mountains, to pick berries, and to catch the red salmon. Now our people are threatened with arrest and punishment if they catch salmon, as our people always have, and if they hunt the red deer; and we are told that the mountains which we thought were our own to hunt in and to camp on in the summer are to be sold and taken away from us.

The white man has even changed the color of the fish in our streams by introduction of new kinds called the white salmon, and we want you to see if we can not be left in peace; if we can not have our rights.

There are about 100 of our people, who never received any help from the Government, who do not receive any moneys, and who have taken homesteads in our little neighborhood. We have no schools furnished us by the Government or any schools of any kind, and our young people are not being fitted for the duties of citizens of the United States, except as we are able to teach them ourselves and to show them how to do right.

We hope that you will listen to our appeal; that you will prevent our mountains being sold and taken away from us; and that you will see that we have the right to hunt and fish as we have always had, and that our children are provided with lands, as they have a right to have lands for themselves. We believe that we have rights or should have the rights which the Yakimas have, but we have never received any help from the Government.

SCOOKUM WALLAHEE.  
JOSEPH STAYHIE.  
CHAS. PARKER.

#### YAKIMA INDIANS.

Attention is called to the fact that many of the Yakima Indians are now old men and women, and that if they are ever to receive any benefit from the lands that have been allotted to them, the relief will have to come soon. These Indians feel that they should have the benefit of their lands while they can enjoy them; that if the present policy of the Government is followed out they will receive no benefit from their lands during their lives. They do not particularly care to leave this land or property to their children or their heirs, as their children and heirs have received lands in the same way that they

have, and they think that they should be allowed to enjoy their lands and their property during their lifetime.

The present policy of the agents in withholding the rent money and money received from the sale of inherited land is entirely wrong. They believe that each Indian should be entitled to have this money to use as he sees fit. The Indian can not be taught to use the money without being able to spend some of it in order that he may become self-sustaining.

If our Indians could have the use of their money they would be more industrious; they would buy agricultural implements; they would procure the necessities of life; they would build homes; they would buy stock; and they would do many things that they can not now do because they are poor and have no money.

At the present time our Indian money is deposited around in various banks, and our Indians are engaged in making millionaires out of the bankers who loan this money out from 10 to 12 per cent, after paying us about 3 per cent. These bankers are making from \$50,000 to \$75,000 every year out of our Indian funds. The millions of dollars that belong to the Yakima Tribe that have been on deposit in these various banks for years past has made large fortunes for these bankers.

There are many Indians on the Yakima Reservation that in years past have suffered for the common necessities of life, such as food, clothing, and medical attention, and yet these Indians are possessed of allotments that are worth from \$5,000 to \$10,000 each. The Indian has pride, and it hurts his feelings to keep constantly after the Indian agent in order to obtain what is his own. The Indian reasons that the money is of no benefit to him unless he can have it and use it, and he does not understand why he should not be allowed to use the money for his own purposes when he sees his white neighbor living in a good house, wearing good clothes, having good stock, and driving good horses, and having many other little things that the white man seems to like so well.

Now, the white people, especially those in the Government service, say that the Indian is not progressive; that he stands in the way of the development of the country. Suppose we see whether it is the Indian or the white man that stands in the way of development. Any Indian that has reached the age of 30 years is just as much developed to-day as he ever will be. If the Nation is not satisfied with the way in which he handles his own affairs, suppose that his allotment, or a large part of his allotment, should be reduced to money and placed out at interest at the same rate that the bankers get out of the money, the Indian would be able to live very comfortably on the income from his money. Take as an illustration an allotment that is valued at \$8,000 or \$10,000. If that money was placed out at 10 per cent interest, it would bring the Indian \$800 to \$1,000 every year. But no; the Indian must not be allowed to exercise any such business principle as this. He must have his small amount each month, \$10 or \$15, no matter what his needs may be; he must even beg to get that; and then the white man expects the Indian to be progressive under this treatment. It looks to the Indian that the white man was standing in the way of his progress, and certainly it is a poor recommendation of the Government service that our people have not been better civilized and educated in the 100 years of Government control, so that they are now self-sustaining and self-supporting on their own moneys and their own land. They would be self-supporting and self-sustaining if they could use their lands and their money and if the Government would give them all that they are entitled to.

One of the complaints we have to make is that the Yakima Agency permits hunters to come upon our lands and to hunt, and a great many of our people have had their cattle carelessly killed by these hunters, their fences torn down, and their property destroyed, and many of the Indians have come near being shot themselves. The agency permits white people to fish along the streams in our reservation, and these fishermen have been in the habit of tearing down our fences, burning up the posts, and otherwise destroying our property. This should be stopped.

Our people are compelled to lease their lands in some instances by the agent to persons that they do not want to have them. Our people should be allowed to lease their lands to such persons as they please, and they should not be compelled to lease to any person that the agent says they must lease to.

We, the undersigned, all being members of the Yakima Tribe of Indians, and residing upon the Yakima Indian Reservation, in the County of Yakima, State of Washington, being aggrieved by certain acts and practices of the Indian agency of the said Indian reservation, relative to the leasing of allotments, the sale of timber and inherited lands, and the retention by the Government of the proceeds thereof, do hereby urge that an investigation be had relative to the manner in which the Indian agency of the said Yakima Indian Reservation is being conducted in the premises, and for more particular cause of complaint, state as follows:

I. It has been the practice of the Indian agency for a considerable period of time of leasing or permitting owners of sheep to graze upon unimproved allotments without the consent of such allottees and without paying to such allottees any compensation therefor, thereby depriving said allottees of the use of their several allotments for grazing and pasturage of such stock as they may possess. We feel that our unimproved allotments should not be used through permission of the Indian agency without our consent nor without proper compensation being made therefor.

II. For a considerable period of time prior hereto it has been the practice of J. W. Phillips, additional farmer located at the city of Tappanish, Yakima County, Wash., and under the direct supervision and control of the Indian superintendent of the Yakima Indian Reservation, to lease the allotment of competent Indians on said reservation without first obtaining the consent of said Indian allottees, and also of leasing said lands upon terms and conditions less advantageous to said Indian allottees than they, the said Indian allottees, were themselves able to make.

III. We protest against the sale of any surplus land or lands of the Yakima Indian Reservation, and also against the sale of any timber comprising any part of said Yakima Indian Reservation.

IV. It has been the custom of the Government upon the sale of inherited Indian lands to retain the money received therefor and without distributing the same to the heirs rightfully entitled thereto. Many of our Indians are in need of funds with which to make necessary improvements upon their allotments, and notwithstanding that they in many instances are rightfully entitled to large sums of money derived from the sale of heirship lands, they are unable to obtain the same with which to make such needed improvements. We feel that it is to the best interest of the Indian that these heirship funds be distributed amongst the heirs entitled to the same to the end that they may better their conditions and become less dependent upon the white inhabitants and the Government.



V. We have reason to complain against the present superintendent of the Yakima Indian Agency, for the reason that he, in many instances, acts in the interest of white men as against that of the Indians. Wherefore we pray that an investigation be had, as before mentioned, to the end that the foregoing unlawful practices may be remedied and the interest of the Indian better conserved.

William (his x mark) Stayhigh, Alex (his x mark) Tow-es-note, Umtouch (his x mark) Thomas, Tom (his x mark) Nye, You-kars (his x mark), Charley (his x mark) Tomith, Judge (his x mark) Shuster, Jake (his x mark) Toal-la-le-lestar, Yakima (his x mark) George, John (his x mark) Yappensah, Joe (his x mark) Strong, Yallup (his x mark), Jim (his x mark) Meninack, Ah-na-ka (her x mark) Lal-a-shut, Kia-kow-let (her x mark), Lucy (her x mark) Shuster, Sah-sa-na (her x mark) Tomith, Mary Tomith (her x mark) Shuster, Grace (her x mark) Tash-wick, Lucy (her x mark) Bell, Quan-an-y (her x mark) Toal-la-le-tsar, Annie (her x mark) Meninack, Capt. B. (his x mark) Wholite, Joe (his x mark) Pal-wa-tla, Jim (his x mark) Wal-la-hee, Charley (his x mark) Sulatkin, Mailda (her x mark) Strong, He-me-na-pum (his x mark), Yakima (his x mark) Sa-yaw, Thos. S. Umtuch, Jr., Harvey Shuster, Thomas Yallup, Jasper Strong.

#### STATEMENT OF ALEC TIEO, OF THE YAKIMA RESERVATION.

There has been a large tract of land near the town of Mabton which has been cut off of our reservation by the Government surveys. The land mentioned lies between the Yakima River and the section line on the south side. Our people never consented to this land being taken by the Government.

As to the southwest side of the reservation, the Government surveys changed the lines of the reservation twice and cut off large portions of our reservation each time, as will be shown by the original lines of the reservation and by the surveys made by the Government.

Now, on the Columbia River at Tumwater Falls is where the Indians used to fish in early times. My grandfather, my grandmother, and my uncles used to fish there, and all the rest of my people. Now, the white people—20 or 25 years ago—they came in there and put the fish wheels in, and they won't allow my people to fish where the fish wheels are, and so they could hardly fish now for their own use. A man by the name of Sewford, who owns a cannery on the Oregon side of the Columbia River near the Washington and Oregon line, refused to let us fish unless we would sell the fish to him.

When the Government made the reservation and moved my people from our homes near Tumwater, Wash., to the Yakima Reservation, the Government promised my people that at any time during the fishing season they could return from the Yakima Reservation to our old home fishing grounds and fish all we pleased so as to have all the fish we would need for our winter use, but now my people who moved from their homes near Tumwater, Wash., and went to the Yakima Reservation, as requested by the Government, are not permitted to go back to our home fishing grounds and fish as the Government promised them.

If we have any fish from the fishing grounds, we have to buy them from the people who are now running the fish wheels. The white people and a few Indians have been running the fisheries in the streams where the Government promised us we could fish, and they have refused to let our people go there and fish.

In the treaty with the Government, "the exclusive right of taking fish in all the streams, where running through or bordering said reservation, is further secured to said confederated tribes and bands of Indians, and also the right of taking fish at all usual and accustomed places, in common with the citizens of the Territory, and of erecting temporary buildings for curing them, together with the privilege of hunting, gathering roots and berries, and pasturing their cattle upon open and unclaimed land."

Many people other than the ones belonging to our reservation are permitted to hunt and catch fish within the bounds of our reservation and in places exclusively reserved for ourselves.

We had a ditch called the Irwin ditch. That was the name of the agent at that time. This ditch was 12 miles long from the Yakima River to the Toppenish Creek. It was built by Indians. Now, several years after that they made us pay for water 75 cents an acre; they say to pay for repairing the ditch and for a ditch tender, as quite a lot of us pay, and those who don't pay don't get any water. The Government said we were to get water free. This year our agent says we have to pay 50 cents an acre for 80 acres, whether we cultivate or irrigate all of the 80 acres or only a small part, so we made a kick on that. We told him we were not going to do all that. Now we got a man in there superintending the ditch—his name is Mr. Webbers—and if we don't pay for the water he shuts it off and does not permit us to irrigate the land.

Mr. Young, our agent, told the ditch superintendent if we did not pay for our water for him to shut it off. Now, all the Indians on Yakima Reservation are capable of running their own ditches and taking care of their own irrigation, and we don't want the white man to look after our ditches any more. And we want our people to select our superintendent and ditch tenders, and also want to make our own assessments for the expenses of keeping up our ditches, and want the right to fix the amount that our people shall pay for the use of water, and also the amounts that the white people shall pay for taking water from our ditches. We are able and willing to conduct our own business affairs, and if we are permitted to do so in regard to our irrigation plants we can handle our irrigation business with much less trouble and at less expense than they are being handled now by the white man. And if we are permitted to fix our own assessments and do our own collecting, hire and pay our own men, we can soon accumulate a surplus which will enable us to add to and extend our irrigation system.

Now, Mr. Webbers hires no Indian help, and Indian help built our ditch.

They are making a road on our reservation, and the foreman is a white man, and he always hires white men to do the work on the road, and will not give the Indians employment, and the Indian's money pays the white man for doing the work.

During the war with the Yakima Indians, Joel Palmer, superintendent of Indian affairs for Oregon Territory, in November, 1855, gathered up all guns, axes, knives, cooking utensils, tepees, skins, hides, and furs, and a great deal of other personal property of the value of possibly \$50,000. He thought we were going to fight the white people, and he destroyed the property in order to make us weak so that we might not be able to fight. That we didn't fight the white people, and did not intend to, and some time after Mr. Palmer had burned our goods and had found out that we were not enemies to the white people,

he promised to have the Government pay us for our property, and the money to be received for our goods that were destroyed to be divided between the Warm Springs, Wasco, Wishham, and Deschutes Indians.

#### WISHCUM (YAKIMA) TRIBE.

Toppenish, Wash., April 17, 1912.

When war started among the Yakima Indians, Klm'yacon, then our father of Wishcum Tribe, Little Wapant and his brother Skulman Wapant and Mulack-Mulack, these three of Wishcum Tribe, and the Desuesh Tribe were Catummess and Tuos-k-ne. All these the Desuesh Tribe and the Wishcum, they helped the white men (soldiers) and had war with Yakima Indians. After the war was over the general told my father, Little Wapant, that as long as he lived and if he died and left children the Government would help them. And this I want to find out. I sent this note by Alex Telo. Little Wapant children that still living are two men and two women, Sarah Lundley and Mable Telo, Luke Wapant, and I am.

From

JAMES WAPANT.

As has been shown heretofore there are many Indian tribes whose lands have been disposed of, and it is now impossible for the children and some of the Indians of the tribe to whom land was allotted at the time of the making of the allotment to receive the lands to which they are entitled.

There are to-day being advertised by the General Land Office and the Indian Office millions of acres of land upon Indian reservations for sale to white persons.

According to the latest circular relative to the opening and sale of Indian lands by the Indian Office, there are 500,000 acres for sale in the Blackfeet Indian Reservation, Mont.; 1,776,000 acres in the Fort Peck Indian Reservation, Mont.; 1,000,000 acres in the Colville Indian Reservation, Wash.; 1,145,000 acres in the Yakima Indian Reservation, Wash.; about 1,850,000 acres in the Cheyenne River and Standing Rock Indian Reservations, S. Dak. and N. Dak.; about 216,000 acres in the Coeur d'Alene Indian Reservation, Idaho; about 450,437 acres in the Flathead Indian Reservation, Mont.; about 425,000 acres in the Rosebud and Pine Ridge Indian Reservations, S. Dak.; about 500,000 acres in the Fort Berthold Indian Reservation, N. Dak.; several thousand acres in the Colorado River Indian Reservation, in Arizona; and even lands are being offered for sale in the Chippewa Indian Reservation, Minn. In fact, about all the Indian reservations in the country are being offered by the Government for sale to homesteaders, except five reservations: The Fort Hall Indian Reservation, Idaho; the Hoopa Indian Reservation, Cal.; the Jicarilla Indian Reservation, N. Mex.; the Klamath Indian Reservation, Oreg.; and the Moqui Indian Reservation, Ariz.

The foregoing does not take into consideration the hundreds of thousands of acres of land in the State of Oklahoma that have been disposed of to white persons.

The foregoing reasons have caused the Indians of North America to band together to assist and aid each other in getting their rights established and have the Government recognize what is coming to them under treaties and under agreements and under executive orders. The Indians have not been encouraged by the officials of the Government in this work that they are now undertaking. Although lodges have been established in nearly every State where Indians reside and they have been working together to better their conditions, and notwithstanding that the Commissioner of Indian Affairs himself authorized his speech and letters to be sent out broadcast to the Indian agents and superintendents throughout the country, the Indians have met with opposition from Indian agents, superintendents, and farmers discouraging this work, discouraging them from organizing, and discouraging them from trying to assert their rights and make themselves better citizens and more intelligent and more healthy people.

Many of the brothers who have come to the meetings have told of the treatment and discouragement they have received at the hands of the superintendent or farmer or agent, and when this was brought to the attention of the Commissioner of Indian Affairs it was said that it was not the purpose of the Interior Department or the Indian Office to discourage this movement.

Then he was shown a letter from Agent Young, of the Yakima Reservation, in which Young denounced the efforts of the Indians in organizing the brotherhood and said in that letter that the Government was against it.

Perhaps there are a great many reasons why there is opposition to the Brotherhood of North American Indians. When we know that \$1,799,022.23 of the Indians' money last year was spent for salaries—perhaps for political reasons—to maintain supervision and control of us and our affairs, that may be the cause of opposition to the Brotherhood of North American Indians. When we know that hundreds of millions of acres of land have been taken away from us for the benefit of land-grabbers throughout the United States, that may be another reason for opposition to the Brotherhood of North American Indians. When we know that treaty after treaty has been violated and that the money agreed to be paid to the Indians has been withheld for the benefit of somebody else, that may be another reason for opposition to the Brotherhood of North American Indians; and when we know that no Indian can take on his own reservation the best timberland for his allotment, but that it must be held and put in a forest reserve or a mineral reserve, that may be another cause for opposition to the Brotherhood of North American Indians. When we know that when they agree with Indian tribes to pay them a certain fixed sum of money for a certain concession of land, not naming the number of acres ceded, but all that is left after those tribes or bands have been allotted, they have often been short 300 or 400 allotments, that may be another reason for opposition to the Brotherhood of North American Indians. When we know that millions of dollars of individual Indian money is on deposit in certain banks or depositaries, which brings the Indians only 2½ or 3 per cent, and that this same money is being loaned out by these banks or depositaries at from 10 to 24 per cent per annum and the use of it distributed among people whose sympathy is not in harmony with the Indians, that may be another reason for opposition to the Brotherhood of North American Indians.

When we take all of these things into consideration—and we could, perhaps, enumerate a hundred more—then it becomes apparent why people are planning to down and oppose our plan of organizing to protect our people and our rights.

Where is there a corporation, where is there an organization of people, where is there a city or community that does not organize and have some one to speak for them and ask for certain laws and rules and regulations to govern their business or their affairs?

Why have we Senators and Representatives here enacting laws, and why is there so much opposition to certain plans from certain sections



of the country, if it is not for the selfish interests of those people most concerned?

You take the manufacturing districts of any of the States of New England, they want certain protection in law which they call tariff. Take the people in other sections who want things to come in from the foreign countries cheaper, and they are opposed to it, and it creates a controversy in the Congress of the United States. But ours is so different, so localized, and so to our personal interests that we can not understand how it could be that any Indian would oppose the organization which is for the benefit and uplifting and the good of his own people. All they need to know is the purpose, the objects, and what it will accomplish, and let other people understand we will get assistance.

There are many reasons why the Indians should stand together, protect and assist each other, and organize themselves into a society for their own protection and assistance. There are many reasons why the white people, both those who live in the vicinity of the Indians and those who live at a distance, should aid and assist the Indians in this organization which stands for the uplifting and betterment of the Indian race. The first reason is well set forth in the objects, constitution, and by-laws of the Brotherhood of North American Indians.

#### OBJECTS.

The objects of this brotherhood are to teach, obtain, and maintain rights, liberties, and justice for all Indians equal to that of any people and inferior to none; to preserve and perpetuate the ancient traditions, arts, and customs of North American Indians; to unify their efforts and interests; to counsel together; to promote and encourage industry and thrift among Indian people; to collect, secure the preservation of, and to publish the records, papers, documents, and traditions of historical value and importance to North American Indians; to mark by appropriate monuments places historic and sacred to the American Indian; to impress upon present and future generations of American Indians the importance of united action for the common good; to promote a feeling of friendship, brotherhood, and good citizenship among its members; and to provide for the aged and infirm of our race.

And another reason is that it stands for peace and friendship and a better understanding between the Indian and other races; and, thirdly, if the Indians are taught through experience how to handle their own money and their own affairs, by having given to them an opportunity to do so themselves, they will benefit the communities in which they live and also benefit the associates that surround them.

The merchants, traders, farmers, and bankers all should be interested in seeing to the development of the Indians in their vicinity, or those who live near them, for the good of the community, and for the improvement it will bring to the country, as well as the surrounding neighborhood. The officials of the county, State, and Federal Governments should be much interested in uplifting and urging the better development of the Indian, and in seeing that they get just treatment and that the obligations of the Government are carried out with them, and that there should be a feeling of confidence and friendship between them and their associates.

The churches and philanthropic societies should be interested in the movement and enterprise of the Indians, and should encourage and assist them in every possible way.

On reviewing the history of the United States, we find that the Indians assisted this Government in every struggle they ever had from the Revolutionary War to the present time. In the colonial days we find that they aided and assisted the early settlers of this country, and that in most every instance where hostility was known between the races the first outrage was committed on the Indians, instead of being committed by the Indians on the whites. It is a wonder that an aboriginal people, the original owners of the soil, should not more deeply feel the outrages committed upon them that the invaders of their territory should feel or think they had a right to a grievance against the Indians.

In a few generations the Indians have been forced to change their mode of living, their mode of industry, their occupation, and their habits, and little encouragement has been given to them to adopt the new mode of civilization and the new occupations of life which were submitted to them, but on the contrary they have been discouraged and told that they were not fitted for those occupations and that some one else, at their expense, must use their means, their lands and privileges, and speak and do for them. Is it not time to bring about a change? Is it not time for them to get the encouragement and assistance of good, honest-thinking people? Is it any wonder that the following planks were adopted in the Brotherhood of North American Indians?

#### DECLARATION OF INDIAN POLICY BY THE BROTHERHOOD OF NORTH AMERICAN INDIANS.

The Brotherhood of North American Indians favors and advocates—

1. The right to have Indian delegates on the floor of the Congress of the United States, said delegates to be Indians by blood and to be chosen exclusively by recognized Indian tribal vote, one delegate for each 60,000 Indian population, the delegates to have the same powers and compensation as delegates from the Territories now have.

2. The right to ratify or reject by vote of the tribe or tribes affected, after 60 days' notice, any legislation by the Congress of the United States affecting or relating to the sale, allotment, or other disposition of Indian land, in all cases where there has not been an agreement with the Indians sanctioning the disposition of the same.

3. Liberal appropriations for the Indian Service in accordance with the progressive needs and requirements of the Indians.

4. An advisory board of Indians for each Indian school or agency, consisting of three or more members, to be chosen by tribe or tribes of Indians represented, whose judgment in matters of Indian policy shall have equal weight with the recommendations of the superintendent or agent in all matters affecting the Indian tribe or tribes under the jurisdiction of the superintendency or agency.

5. Greater industrial assistance and development in all agricultural communities.

6. Greater cooperation between the Federal Government and State governments in matters of education of all Indian youth with opportunity to attend State public schools, whenever these are preferred by the Indians.

7. A more liberal policy on the part of the Indian Office in allowing the Indians the use of their individual Indian moneys.

8. The right of petition and assembly without restriction or restraint, and the right to come and go at will without the permission of any superintendent or agent.

9. Qualifications being equal, Indians by blood to be given preference in the Indian Service as superintendents, financial clerks, farmers, and merchants.

10. Protection, as persons, under the Constitution of the United States, for all Indians, whether as tribes or individuals, of life, liberty, and property, and the right to enforce such protection in the courts.

This and many more statements of fact could be set forth showing the attitude of the Department of the Interior and the Indian Office toward the Indian tribes of the country. So far as has come under the notice of the officers of the Brotherhood of North American Indians there is not a tribe of Indians who has not a valid complaint against the administration of its affairs. It may be possible that the Indian Office has done the best that its representatives knew how at the time, but the fact remains that the Indians have not been satisfied with the administration of their affairs. In a number of instances where complaints have been made to the Indian Office the Indians are told that the executive department of the Government is merely administering the laws as laid down by Congress; that they have no other course than to interpret the laws according to general usage and in interpretation; and that if the Indians are not satisfied with the administration of the laws they should appeal to Congress to have the laws changed. It matters not what the reason may be for the administration of affairs against the real interests of the Indians so long as the Indians are actually deprived of their portion by some branch of authority of the Government. We do not believe that the Government will deny that there are rights of which the Indians have been deprived, and there certainly could be no better time than the present for Congress itself to permit the Indians to have an accounting, by tribe or nation, from the Government and the right to have their differences adjusted in the courts of the United States.

We appeal to Congress to give us the same right that every other people has and is given by their government—the right to have their differences with their government heard and tried and decided in their courts. The relations which exist between the United States Government and the Indian tribes are of a contractual nature, and the treaties and agreements made with our people have not been carried out according to the understanding of our people. We ask you if you can cite us to a single instance where one party to a contract has been denied the right to have his understanding of it tested, except in the case of the Indian nations of the United States?

Some of the tribes of the country have in the past appealed to Congress and have been granted the right to have their differences heard and adjusted. We believe that all of our people should now have the right in common with all other people to go into the courts of the United States and ask for an accounting and an adjustment of their differences.

If Congress should have the slightest doubt regarding the necessity for this action there are hundreds of Indians who stand ready to appear before any committee that may be selected by you and to give reasons why the Indian tribes of the United States should have the right to have their differences heard and adjusted. Many of our people are old and will not live much longer. They have rights which should come to them during their life, and we appeal to you to take action in the near future in order that our people may know that the United States Government has their interests at heart and is willing to try them with fairness and justice.

Respectfully submitted.

BROTHERHOOD OF NORTH AMERICAN INDIANS,  
By RICHARD C. ADAMS, *Grand Sachem*.

#### AMENDING MINING LAWS FOR ALASKA.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read as follows:

SEC. 2. That no person shall hereafter locate any placer-mining claim in Alaska as attorney for another unless he is duly authorized thereto by a power of attorney in writing, duly acknowledged and recorded in any recorder's office in the judicial division where the location is made. Any person so authorized may locate placer-mining claims for not more than two principals or associations under such power of attorney, but no such agent or attorney shall be authorized or permitted to locate more than two placer-mining claims for any one principal or association during any calendar month, and no placer-mining claim shall hereafter be located in Alaska except under the provisions of this act.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Amend, page 2, lines 5 and 6, by striking out the words "two principals or associations" and inserting in lieu thereof the words "two individuals or one association."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. FLOOD of Virginia. Mr. Chairman, there is another committee amendment on page 2, line 11.

The CHAIRMAN. That has not been reported yet. The Clerk will read it.

The Clerk read as follows:

Amend, page 2, line 11, by striking out the word "provisions" and inserting in lieu thereof the word "limitations."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise and report the bill to the House with committee amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FINLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 18033, had directed him to report the same back to the House with



sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on either amendment? If not, the Chair will put them in gross. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

On motion of Mr. Flood of Virginia, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will call the next committee.

The Clerk called the Committee on Insular Affairs.

#### CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

Mr. JONES. Mr. Speaker, I desire to call up House bill 17756.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 17756) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

Mr. OLMSTED. Mr. Speaker, I notice that the bill as read is on the House Calendar. It was referred to the Committee of the Whole House on the state of the Union.

Mr. MANN. And it is No. 79 on the Union Calendar.

The SPEAKER. The Chair supposes that if it was put on the House Calendar that it was put there improperly. There seem to be two prints of the bill.

Mr. OLMSTED. It might be a very nice question as to whether it should be on the Union Calendar or not, but it being on that calendar, I think it should remain there until some change of reference be made by proper action. I do not see that any such change of reference has been made.

The SPEAKER. It should be on the Union Calendar, then. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 65 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," be amended so as to read as follows:

"Sec. 65. That all lands that have been or may hereafter be acquired by virtue of the preceding section shall constitute a part and portion of the public domain of the government of the Philippine Islands, and shall be held, sold, and conveyed, or leased temporarily, under the same limitations and restrictions as are provided in this act for the holding, sale, conveyance, or lease of the public lands in said Islands: *Provided,* That all deferred payments and the interest thereon shall be payable in money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment for said lands by the preceding section, and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands, or by reason thereof, shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their actual holdings within such reasonable time as may be determined by said Government, without regard to the extent of their said holdings."

The SPEAKER. The Chair will call the attention of the House in general and of the gentleman from Pennsylvania [Mr. OLMSTED] in particular to the fact that there are two prints of this bill. On January 12, 1912, the bill was introduced by the gentleman from Virginia [Mr. JONES] and was referred to the Committee on Insular Affairs and ordered to be printed. On January 29, 1912, it was committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

On February 7, 1912, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill, and it was referred to the House Calendar and ordered printed.

Mr. OLMSTED. I have just been handed a copy of the second print, which shows that on the 7th of February the Committee of the Whole House on the state of the Union was discharged, but I should like to know in what manner it was discharged. I have looked through the RECORD of February 7 and find no record of anything having occurred on that day with reference to that bill. I think that the bill having been referred to the Committee of the Whole House on the state of the Union, that committee could be discharged only by a motion made in the House.

The SPEAKER. Judge Crisp tells me that the way that change of reference happened was that the gentleman from Illinois [Mr. MANN] and the gentleman from Virginia [Mr. JONES] came up and agreed that the change should be made.

Mr. JONES. I came up, Mr. Speaker, after speaking with the gentleman from Illinois [Mr. MANN]. The gentleman from Illinois [Mr. MANN] agreed with me that the bill properly be-

longed on the House Calendar, and he thought there would be no question raised if it were transferred to that calendar. This being the case, it was not deemed necessary to have the change made in the open House.

Mr. MANN. I do not in the slightest degree question the statement of the gentleman from Virginia, because he would not make a statement that was not absolutely accurate, although I have no recollection of the occurrence at all.

Mr. OLMSTED. Mr. Speaker, if the gentleman from Illinois [Mr. MANN] says that he made a promise for me or for this side of the House, I will live up to it; but I do not think that both those gentlemen together had authority to change the reference.

The SPEAKER. The Chair agrees with the gentleman as to that, but if it was done, it would seem that everybody was bound by it.

Mr. OLMSTED. I will agree to be bound by it if the gentleman from Illinois says so.

Mr. MANN. Mr. Speaker, I suppose it does not make any difference. The gentleman does not object to taking it up, does he?

Mr. OLMSTED. Oh, no.

Mr. JONES. I imagine the gentleman will agree by unanimous consent that the bill be considered on the House Calendar, because it is properly on the House Calendar. It does not appropriate any money. That is the proper calendar for it, and it was by an inadvertence that it was placed on the other calendar.

Mr. OLMSTED. I will agree that the gentleman may ask unanimous consent that it be considered as on the House Calendar, and I will not object to so considering it.

Mr. JONES. I make that request.

The SPEAKER. The gentleman from Virginia [Mr. JONES] asks unanimous consent to consider this bill as on the House Calendar. Is there objection?

There was no objection.

Mr. JONES. Mr. Speaker, the sole purpose of this bill is to remove any ambiguity there may be in the language of section 65 of the act of Congress of July 1, 1902, known as the organic law of the Philippine Islands. It is to make clear and definite and unmistakable the meaning of that section.

Section 15 of this organic act provides that the public lands which were acquired by the United States from the Kingdom of Spain under the treaty which was ratified on the 11th day of April, 1899, and which amounted to some 60,000,000 acres, with the exception of timber and mineral lands, may be disposed of by the Philippine Government "to actual occupants and settlers and other citizens of said islands" on such terms as may be prescribed by general legislation, not to exceed 16 hectares, approximately 40 acres, to one individual and not to exceed 1,024 hectares, approximately 2,500 acres, to any one corporation.

This same act provides in section 64 for the acquisition by the Philippine Government of some 400,000 acres of land owned by certain religious bodies in the Philippine Islands, known as the friar lands, and in section 65 there is this provision as to their disposition:

That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the Government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said Government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act.

Mr. TILSON. May I interrupt the gentleman?

Mr. JONES. After I have completed this sentence. So that if these lands are disposed of under section 15, which applies to the public lands which the United States acquired under the treaty of Paris, then they can not be sold in quantities in excess of 40 acres to an individual, or in excess of 2,500 acres to a corporation.

Mr. TILSON. Is it the purpose of this amendment to change the law in that respect?

Mr. JONES. No. The purpose of this amendment is to make clear and definite the meaning of the language which I have quoted from section 65. The language is, as I have just quoted it:

All lands acquired by virtue of the preceding section—that is the section which provides for the purchase of the friar lands—shall constitute a part and portion of the public property of the Government.

They must be held, sold, and conveyed, according to the terms of this section, "subject to the limitations and conditions provided for in this act."

The Philippine Government holds that the words "shall constitute a part and portion of the public property of the Gov-



ernment" do not mean that the friar lands shall constitute a part of "the public domain" of the Government. That the words "public property" are not equivalent to the words "public lands" or "public domain," and that therefore these lands are not to be held and disposed of subject to the limitations and conditions which section 15 imposes upon the disposition of "the public domain," but that, on the contrary, it is at liberty to sell them, the friar lands, in quantities in excess of 40 acres to individuals.

Mr. BUTLER. These are the friar lands?

Mr. JONES. Yes.

Mr. TILSON. Then your intention is to make it so that the lands can not be sold except as provided in the fifteenth section?

Mr. JONES. In the fifteenth section. It is the contention of the committee that Congress intended that these lands should be held and disposed of under precisely the same limitations and conditions that are made applicable to other Government-owned lands under the provisions of section 15.

The Philippine Commission, however, has sold to three men jointly one body of this land containing 56,210 acres.

Mr. BUTLER. What body of land?

Mr. JONES. They have sold a body of land on the island of Mindoro, known as the San José estate, to three American citizens.

Mr. BUTLER. A part of the friar lands?

Mr. JONES. A part of the 380,000 acres of friar lands. It was supposed that there were about 420,000 acres of these lands, but when the sale was consummated the friars insisted on retaining certain tracts, and so, as a matter of fact, 388,000 acres only were purchased, to pay for which the Philippine Government issued and sold \$7,000,000 of bonds.

Mr. STERLING. Will the gentleman yield?

Mr. JONES. I will yield to the gentleman from Illinois.

Mr. STERLING. How much of these lands have been sold on other conditions than that provided by law with reference to Government lands?

Mr. JONES. There were some 388,000 acres purchased, and about 125,000 acres remain undisposed of. The gentleman will find in the views of the minority, filed by Mr. Olmsted, a list of the lands that have so far been disposed of.

Mr. STERLING. If this bill becomes a law, will it affect the title to those lands already purchased?

Mr. JONES. No; it is not intended to be retroactive; at any rate, there is nothing in the bill to that effect.

Now, as I have stated, the Philippine Commission sold one tract of this land acquired from the friars to three individuals. One of these individuals was Horace Havemeyer, another was Charles H. Senff, and another was Charles J. Welch. Mr. Senff was at one time the vice president, as well as a director, of the American Sugar Refining Co., and Mr. Havemeyer was at one time a director in that company.

Mr. COOPER. Is that what is called the Sugar Trust?

Mr. JONES. That is what is known as the Sugar Trust. Mr. Welch, the third member, has been largely interested with these gentlemen in the sugar business.

Mr. MICHAEL E. DRISCOLL. Are these parcels of land contiguous?

Mr. JONES. It is one parcel and has been bought by three individuals jointly. They purchased the land through a dummy. They sent to the Philippine Islands a man named Poole, who purchased this land under a contract, which provided that the deed was to be made to his assignees. When the time came to consummate the sale Poole required that the deed should be made to Horace Havemeyer, Charles H. Senff, and Charles J. Welch.

Mr. MICHAEL E. DRISCOLL. Share and share alike?

Mr. JONES. That transaction aroused a great deal of feeling throughout the Philippine Islands.

Mr. MICHAEL E. DRISCOLL. What was the date of that transaction? Was it before or after the passage of the Payne tariff law?

Mr. JONES. It was in the latter part of the year 1909. It is some time since I have read the testimony and I can not give the exact date from memory. The report gives the exact date.

Mr. TILSON. It is safe to assume that these are valuable sugar lands.

Mr. JONES. These are very valuable sugar lands, and I understand that these gentlemen have already invested hundreds of thousands of dollars in developing the lands and in building a sugar mill. They have built great sugar centrales, a short railroad, and expensive wharves and docks.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, will the gentleman yield?

Mr. JONES. Certainly.

Mr. MICHAEL E. DRISCOLL. Will it not be to the interest of those men who own these sugar lands to maintain American sovereignty over the islands?

Mr. JONES. I am not prepared to answer that question positively. They may, and they doubtless do, think so. I am not prepared to say, however, that if the Filipinos were granted their independence these people would not be amply protected in all their rights. They may not agree with me as to this. Philippine independence would cause them to lose the free markets of America for their sugar, and for this reason they will, I presume, be opposed to independence.

Mr. Speaker, the sales of these friar lands in quantities larger than the law permits the so-called public lands to be sold, especially this sale to Messrs. Senff, Havemeyer, and Welch of over 56,000 acres in one body, aroused—I was about to say naturally aroused—a great deal of feeling and indignation on the part of the Filipino people. They naturally conceived the idea that the Philippine Commission was permitting the Sugar Trust and other capitalists from the United States and elsewhere, to buy these friar lands in large quantities for the purpose of exploitation. They believe, too, that unless a stop is put to the sale of these lands in large bodies to aliens there will be created in the Philippines a system of absentee landlordism similar to that which has given rise to so much discontent and discord in Ireland.

On the last day of the second session of the Sixty-first Congress a resolution was adopted by this House providing for an investigation of these sales. In the following December, the first month of the last session of the Sixty-first Congress, the Insular Affairs Committee began the investigation provided for in that resolution. Several prominent gentlemen from the Philippine Islands came to the United States and testified before the committee. Among those gentlemen was Dean C. Worcester, a member of the Philippine Commission, and also the secretary of the interior, under whose department these lands are administered; Capt. Sleeper, the director of public lands; Frank W. Carpenter, executive secretary; and the attorney general of the Philippines. During this investigation, which covered many weeks, Mr. Havemeyer, Mr. Welch, and a number of others appeared before the committee and testified. There were four separate reports made by members of the Committee on Insular Affairs. One of them was signed by nine members, and was presented by the distinguished gentleman from Pennsylvania [Mr. OLMSTED]. That report held that inasmuch as these lands had been bought from the proceeds of bonds sold by the Philippine Government they were to be distinguished from the public lands acquired from Spain under the treaty of Paris; that this was shown to be the intention of Congress when they were described in the act as "public property" and not as "public domain."

As the friar lands were not "public lands" they were not subject to the limitations and conditions imposed upon public lands in section 15, and therefore could be sold to individuals without limitation as to quantity. Six members of the committee took the ground that the limitations prescribed in section 15 applied to friar lands as well as to those lands acquired from Spain, and that, therefore, all sales made to individuals in excess of 40 acres were illegal.

Mr. STERLING. On that point—

Mr. JONES. In just one moment. Three members of the committee, in the views prepared by the late Judge Madison, of Kansas, took the ground that the friar lands were not subject to the limitations and conditions as to quantity imposed in section 15, but that under the law no sales of public lands could be made to aliens. Still another report was signed by Judge RUCKER, who took the ground that the Judiciary Department should be instructed to institute proceedings to construe this law. All four of these reports will be found with the published hearings which were had before the Committee on Insular Affairs and which embrace some 1,300 or more closely printed pages. But the point, Mr. Speaker, which I desire to make and to emphasize is this: That each one of these reports held that there was such diversity of opinion as to the true meaning of section 65 that it was the duty of Congress to so amend that section as to make its meaning entirely clear. In that conclusion we all concurred.

Mr. BUTLER. Will the gentleman allow me to ask him a question there? If I understand the gentleman correctly, the Filipino people did not object to the sale of the lands upon the ground of inadequacy of price?

Mr. JONES. No.

Mr. BUTLER. It was because too much of the land was being sold to certain individuals?



Mr. JONES. Yes. The Filipinos take the ground that these lands ought to be carefully preserved for the benefit and use of the actual occupants and such other natives as may desire to purchase them for homes. They are opposed to selling them in large tracts to nonresident aliens. They believe that if this is the proper policy to be pursued in respect to the lands acquired from Spain it should be followed as to the lands purchased from the friars. Indeed they hold, and not without good reason, that if it is unwise to sell the 60,000,000 acres of public lands in large quantities it is far more so to sell the remaining 125,000 acres of friar lands in large quantities. The commission, however, has taken a very different view of the subject. It not only holds that it is legal, but that it is desirable to sell these lands in large bodies to individuals. They can not sell them in large quantities to corporations.

Mr. BUTLER. The friar lands?

Mr. JONES. There is another section of the organic act which relates to the landholding of corporations. Section 75 declares that all corporations engaged in agriculture shall by their charter be restricted to the ownership of not to exceed 1,024 hectares of land. No corporation engaged in agriculture can, therefore, hold more than 1,024 hectares, or 2,500 acres, of land no matter from whom acquired. There is no such inhibition in the law as to individuals, and therefore the Philippine Commission contends that it can sell the friar lands to individuals in any quantities.

Mr. SLAYDEN. Will the gentleman yield?

Mr. JONES. In a moment. I yield to the gentleman from Illinois.

Mr. STERLING. Do you think there is any doubt of the title to these three tracts of 56,000 acres? It seems to me that section 65 expressly puts the friar lands under the same condition as the public lands.

Mr. JONES. That is my contention.

Mr. STERLING. And if that be true, their title would be bad.

Mr. JONES. I think the conclusion of the gentleman is correct. But the titles to the lands which have been disposed of in quantities in excess of the restrictions of section 15 must be decided in the courts. This bill does not undertake to disturb those titles. It seeks to put a stop to further sales.

Mr. STERLING. Will the gentleman yield for another question? Are these lands being disposed of at a profit?

Mr. JONES. The price of these lands has been fixed at their cost plus the interest on the cost price and the cost of administration. The Havemeyer people paid something over \$6 per acre for the large tract sold them.

Mr. SLAYDEN. Gold or Mexican?

Mr. JONES. That includes the original cost of the land, 4 per cent interest up to the time of sale, and some cost of surveying and administration. This is on the gold basis.

Mr. STERLING. Is the Government of the United States responsible for the payment of the \$7,000,000?

Mr. JONES. Not legally. There was a question 10 years ago when the present law was under consideration as to whether the United States was morally responsible inasmuch as the Philippine Government could not issue the bonds without the authority of Congress. There were those who held that the United States would in the circumstances be morally responsible.

Mr. COOPER. If the gentleman will permit, the gentleman from Illinois asked if the United States is not responsible for the redemption of these bonds, \$7,000,000, and the gentleman from Virginia said, "Not legally." Is not the Government of the United States bound to see that there shall be no exploitation of the Philippine Islands?

Mr. JONES. I think so. It seems to me that the Government of the United States is bound to see that there is no exploitation. Now I will yield to the gentleman from Texas.

Mr. SLAYDEN. Mr. Chairman, I wanted to ask the gentleman from Virginia [Mr. JONES], with reference to the sale of these lands to corporations. And in order to make my question clear I am going to state what I understand to be the law with reference to the sale of those lands, namely, that not more than 2,500 acres, as I understand it, can be sold to a corporation, but it was held by the administration in the Philippine Islands that that limitation did not apply to the friar lands. Is that true?

Mr. JONES. This is the truth about it, and it is what I have been endeavoring to explain. The commission held that the restrictions contained in section 15 as to the sale of public lands did not apply either to corporations or individuals as to friar lands; that it was not the intention of Congress to make applicable to these lands the limitations contained in that section. But there is a section, section 75, which, as I have explained,

provides that no corporation engaged in agriculture shall be permitted to hold over 2,500 acres of land. If it were not for the fact that no corporation engaged in agriculture can, under its charter, hold in excess of 2,500 acres, the Philippine Commission would have sold to corporations, as it has sold to individuals, friar lands without limitation as to quantity. It is conceded by the commission that an agricultural corporation can not hold land in excess of 2,500 acres.

Mr. SLAYDEN. I want to ask the gentleman if he does not think that it would be a wise limitation if the corporations were not permitted to buy land at all? Does he not believe it would be a better plan to have the land and its uses reserved to creatures of flesh and blood and not to creatures of law?

Mr. JONES. I will be frank enough to say that I would favor that policy. I think such a policy would be welcomed by the Filipino people, but the object of this bill is simply to make clear and definite the language in section 65.

I agree with the gentleman from Illinois [Mr. STERLING] that the limitations of section 15 apply to the friar lands as well as to those acquired from Spain, but the Philippine Commission holds otherwise. The purpose of this bill is not only to make clear the intention of Congress, but to place upon the present law the interpretation for which I contend.

It was my contention, and it was the contention of the other five gentlemen who signed the minority report in the Sixty-first Congress, and it is the contention of all of the majority members of the committee in this Congress and of two of the minority members that the Philippine Commission erred in holding that the limitations contained in section 15 did not apply to the friar lands. After the four reports to which I have referred had been presented to the House at the close of the Sixty-first Congress the Secretary of War advised the Philippine Commission that it should not dispose of the remainder of the friar lands in large tracts until Congress had been afforded the opportunity to pass upon this question.

But the President has stated in a message which he recently sent to Congress that it is his purpose to direct the Philippine Commission to proceed to dispose of these lands to individuals in any quantities, and therefore it is imperative that Congress take some action upon the subject, unless it is willing that the remainder of the friar lands shall be sold to a few American capitalists for purposes of exploitation.

Mr. NYE rose.

Mr. JONES. I will yield to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. The gentleman has already cleared up a part of the question I was going to ask with reference to the direction of the War Department. Was there any opinion rendered by the Attorney General as to the question of the validity of those sales?

Mr. JONES. Mr. Speaker, I had not intended to go into any discussion of this legal question, since it was the opinion of every member of the committee which investigated the action of the Public Lands Bureau that in view of the great diversity of opinion as to the proper construction to be placed upon the language of section 65 Congress should be asked to make that language so clear that it could not be misunderstood. The attorney general of the Philippines held that the restrictions of section 15 did not apply to the friar lands.

The Attorney General of the United States, Mr. Wickersham, also gave an opinion to the same effect. But I ought to add, I think, in justice to and out of respect for the Attorney General, that I have reason to believe that when he wrote that opinion he did not give to the subject the same consideration he would have given had he known that the question was "loaded." It was an opinion of which, I think, the Attorney General was not particularly proud.

Mr. NORRIS. It was just a fact in the history of the thing that I wished to have my recollection refreshed upon.

Mr. JONES. The legal question was gone into quite fully by the Committee on Insular Affairs. In the report of the hearings, which covers some fifteen hundred pages, the gentleman will find various legal opinions bearing on this subject. But it is true that the attorney general of the Philippines and the Attorney General of the United States held that the restrictions of section 15 did not apply to these friar lands. I have not been able to agree with either of these distinguished lawyers as to their construction of the section. But this bill, if passed by Congress, will settle the question definitely and leave no room for further discussion.

Now, just a word more in regard to this.

Mr. TOWNER. Will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Virginia yield to the gentleman from Iowa?



Mr. JONES. Yes.

Mr. TOWNER. Just one question. I presume that it ought to be brought out at this point. I presume the gentleman will concede that this land ought to be sold without the limitations unless Congress shall take definite action in the matter, as contemplated by this bill?

Mr. JONES. It will be so sold. The Secretary of War in his last annual report served notice upon Congress to that effect. If Congress adjourns without passing this bill, there is no question but that the Philippine Commission will be directed or advised to proceed with the sale of the friar lands without limitation as to quantity in the case of individual purchasers.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. JONES. Yes.

Mr. BUTLER. It is not proposed, of course, to prohibit the sale of these lands?

Mr. JONES. No.

Mr. BUTLER. The amount of land in each sale is to be limited to 40 acres?

Mr. JONES. Yes; to individuals.

Mr. BUTLER. Now, is that an advantage to the Filipinos?

Mr. JONES. I think so.

Mr. BUTLER. In the judgment of the gentleman would this land bring as much if sold in 40-acre tracts as by the thousand acres, or so?

Mr. JONES. I am not prepared to answer this question. It is possible that they could be sold for more if sold in large tracts to wealthy aliens than they would bring if sold to the natives in small tracts.

These lands are the inheritance of the people of the Philippine Islands, and they are to a man opposed to their being sold in large tracts. They are bitterly opposed to the establishment of a system of absentee landlordism in the Philippines, and nothing has so aroused the feelings of the Filipinos against our Government as the sale of the San Jose tract to the Havemeyer syndicate. The Philippine people have got to pay for these lands, not the United States, and they desire that they shall be sold to the occupants or other actual settlers in small quantities, rather than to aliens in large bodies without regard to the price.

Mr. SULZER. Mr. Speaker, may I ask, Have the Filipinos expressed themselves by action of their assembly?

Mr. JONES. I am not sure about that, but I do know that they have expressed their opposition in many other ways; that many important bodies in the Philippines have protested against these sales. Both of the Philippine commissioners to this country have expressed themselves as opposed to the policy of exploitation which has been pursued as to these lands. One of them represents the Progresista and the other the Nacionalista party. There is absolutely no division of sentiment in the Philippines on this subject.

Mr. FOWLER rose.

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Illinois?

Mr. JONES. Now, Mr. Speaker, I do not know that there is anything more to be said unless some gentleman desires to ask me a question.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. BUTLER. Do the hearings disclose any evidence as to how much these lands would bring if sold in 40-acre tracts?

Mr. JONES. They have been selling all of these lands for what they cost, with the interest and administration charges added. They have fixed that as the price.

Mr. BUTLER. I have not seen the hearings, and the whole subject is new to me. I am imposing upon the patience of the gentleman.

Mr. JONES. That is the rule that has been adopted for the disposition of the lands.

Mr. BUTLER. I respect the sentiments of the Filipino; at the same time, if these lands will bring more money when sold in larger lots, I should like to see as good a price obtained as it is possible to obtain, other things being equal.

Mr. JONES. If the Filipino people, who must raise the money to pay off the bonds sold to purchase these lands, are a unit in opposing their sale in large bodies, does the gentleman from Pennsylvania think the Congress of the United States ought to say that it knows better than they do what their interests are, and that if the lands will bring more if sold to the Sugar Trust or its associates, they ought to be so disposed of?

Mr. BUTLER. Knowing as little as I do about the subject I should be inclined to respect the wishes of the Filipinos.

Mr. JONES. I am glad the gentleman takes that view of it.

Mr. FOWLER. I am very much interested in this discussion, because it is a new subject to me. I am anxious to know whether any other people or organization of any kind have any interest in these lands, except the Philippine Government.

Mr. JONES. No; not in the public lands or in these friar lands. The act of July 1, 1902, provided that the public lands, some 60,000,000 acres, about 20,000,000 acres of which are agricultural lands, should be administered and disposed of for the benefit of the Philippine people. I do not care to take up the time of the House in going into an explanation as to how and why the friar lands were acquired; but there were some 420,000 acres of land in the Philippine Islands which were held by three religious bodies—the Augustinians, the Dominicans, and the Recollectos. Those orders had become very unpopular prior to American occupation. The holding of these lands was largely responsible for bringing about the revolution of 1900, which resulted in a great many of the friars being killed and many others being driven into the city of Manila; so that when we came in possession of the islands we found there a political and agrarian question which threatened to frustrate all attempts at the pacification of the islands. Gov. Taft came to the United States early in 1902 and appeared before the Committee on Insular Affairs and urged that Congress authorize the Philippine Government to purchase these lands from the friars, in order to settle this disturbing agrarian question. The lands have been purchased. There were living on these lands some 16,000 families, representing about 160,000 people. These people were all tenants of the friars. Some portions of the lands were sparsely settled and were used for grazing purposes. The commission has been selling these lands in small quantities, not exceeding 40 acres, to occupants and other individuals, but not being able to dispose of them as rapidly as was desired in small tracts, the Government reversed its policy and offered the unoccupied lands in large bodies to individuals for the avowed purpose of securing the money with which to retire the bonds sold to purchase them. This is the only reason that has ever been advanced for selling these lands in large bodies, and this in the face of the fact that the proceeds of the so-called public lands can be devoted to the retirement of these bonds just as well as the proceeds of the friar lands. The Filipinos contend that there is no need to sell these lands over their protest, in order to secure the money to pay off friar-land bonds.

Mr. FOWLER. If I understand correctly, these lands were purchased from these different societies in pursuance of this act.

Mr. JONES. They were purchased under the authority conferred in the act of July 1, 1902.

Mr. FOWLER. How many acres were there in all?

Mr. JONES. There were supposed to be about 420,000 acres. Probably there were not quite that many; but when the time came to sell them it turned out, and that has never been satisfactorily explained, that there were very valuable estates on the Pasig River near Manila, one containing 8,000 acres of land, which the friars said they would not sell. There were a great many tenants upon these lands and yet they were never included in the purchases from the friars. So only 388,000 acres of land altogether were purchased. The gentleman will remember, for it is an historical fact, that Mr. Taft was sent to Rome by President Roosevelt to negotiate the purchase of all the holdings of the friars in order to remove the agrarian question, which was supposed to stand in the way of pacification. It was particularly important that the occupied lands should be purchased, and yet several estates that were thickly settled were not included in the purchase, whilst several large estates sparsely settled were purchased.

Mr. FOWLER. Will the gentleman state the greatest number of acres that have been sold and transferred to one corporation?

Mr. MICHAEL E. DRISCOLL. That has all been gone over and explained this morning and is in the Record.

Mr. JONES. The San Jose estate of 56,200, which was sold to Messrs. Havemeyer, Senff, and Welch. It was this sale which aroused the indignation of the Filipinos and led, as I have stated, to the investigation ordered by this House.

Mr. FOWLER. What does the gentleman's bill propose as to the limitation of the number of acres to be sold?

Mr. JONES. The bill which I had the honor to introduce and which we are now considering provides in effect that the land shall not be sold to individuals in excess of 40 acres or to corporations in excess of 2,500 acres, the same limitations which apply to the sale of the 60,000,000 acres of public lands in the islands. The committee can see no reason why these very rich lands should be sold in larger quantities than the 60,000,000 acres of other lands in the islands.



Mr. FOWLER. Does the gentleman think it is good policy to sell real estate to corporations?

Mr. JONES. I have already stated in reply to a question by the gentleman from Texas that I thought it would be the better policy to confine all sales to bona fide settlers, but it is not the purpose of this bill to change the organic law as to the holdings of public lands by corporations. This bill has but one object.

Mr. FOWLER. Does not the gentleman think it is good policy to limit real estate holdings of corporations to that which is necessary to carry on the business connected with the corporation?

Mr. JONES. I do; but the people who wish to go into the sugar business contend that it requires at least 5,000 acres to supply a sugar centrales.

The SPEAKER pro tempore (Mr. BEALL of Texas). The time of the gentleman from Virginia has expired.

Mr. OLMSTED. Mr. Speaker, I ask that the gentleman be given time to conclude his remarks.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks that the gentleman from Virginia may conclude his remarks. Is there objection?

There was no objection.

Mr. MICHAEL E. DRISCOLL. If the gentleman will yield—

Mr. JONES. I yield.

Mr. MICHAEL E. DRISCOLL. I think it was stated in the papers that the Attorney General of the United States wrote an opinion approving that sale and saying that it was legal.

Mr. JONES. The Attorney General did write an opinion to that effect; but, as I have said, it was not a very carefully considered opinion. His apologists said he did not know when called upon to give his opinion that the question was "loaded." However, in justice to him, I will say that he subsequently undertook to fortify this opinion in another and more elaborate paper.

Mr. MICHAEL E. DRISCOLL. The information that I want is under what law or provision of law was the matter referred to the Attorney General of the United States to write an opinion on.

Mr. JONES. Somebody in the Insular Affairs Bureau asked him to give an opinion, I suppose.

Mr. MICHAEL E. DRISCOLL. Did it come up in a legal way, or was it voluntary?

Mr. JONES. I think he was told that it was very desirable to sell the friar lands to individuals in quantities in excess of 40 acres and was asked if it could not be legally done. I do not at this moment recall exactly how the question happened to be raised. My recollection is that some New York lawyer representing Messrs. Havemeyer, Senff, and Welch, requested the Insular Affairs Bureau to procure the opinion of the Attorney General. These people were not willing to purchase the San Jose estate until they had secured from the Attorney General an opinion to the effect that the Philippine Commission or the bureau of public lands had the right to sell it. In other words, they wished to know if the limitations of section 15 of the organic law applied to the friar lands.

Mr. MICHAEL E. DRISCOLL. I suppose the Insular Government has the power to manage those affairs itself, without reference to the Government at Washington—that is, with reference to the sale of those lands.

Mr. JONES. No. The Philippine Government is authorized to prescribe the terms upon which the public lands shall be sold, but it can not sell public lands to individuals in excess of 40 acres to one individual, and the committee is of the opinion that the same is true of the friar lands. Indeed, the Philippine Commission at one time was of this opinion. In 1904 it enacted what is known as the friar-lands bill, in which it was provided that the friar lands should be disposed of under the limitations specified in section 15; that is to say, in quantities not in excess of 40 acres to individuals. Subsequently, in the year 1908, this act of the Philippine Commission was so amended as to permit sales of any number of acres of friar lands to individuals. It is the contention of the Committee on Insular Affairs that this act was in contravention of the organic law, and therefore of no validity.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I do not think the gentleman has yet explained under what provision of the organic act or any other law the Attorney General of the United States got jurisdiction to pass upon the validity of that sale.

Mr. JONES. I will endeavor again to do so. Some people in New York, as I have said, sent a man named Poole out to the islands to look for sugar lands. When he got out there he learned that corporations engaged in agriculture could not hold

more than 2,500 acres of land. He was advised, however, that it was the opinion of the bureau of public lands that the friar lands could be sold to individuals in any quantities. He reported these things to his principals in New York, and they in turn referred the question to the Insular Affairs Bureau in this city. The Attorney General was then asked for his opinion.

Mr. MICHAEL E. DRISCOLL. By whom?

Mr. JONES. Just a moment. If I remember correctly, the attorney for Messrs. Havemeyer, Senff, and Welch came to this city and conferred with the Chief of the Insular Affairs Bureau, who, at his request, agreed to secure an opinion from the Attorney General.

Mr. MICHAEL E. DRISCOLL. Would not that question in the first instance come up to the law officer of the Insular Government in the Philippine Islands?

Mr. JONES. It did come up to him and he also passed upon it.

Mr. MICHAEL E. DRISCOLL. In what way did he pass upon it?

Mr. JONES. As the Attorney General of the United States did.

Mr. MICHAEL E. DRISCOLL. In the same way?

Mr. JONES. Yes.

Mr. MICHAEL E. DRISCOLL. Did he refer the question over to the Attorney General of the United States?

Mr. JONES. No, sir.

Mr. MICHAEL E. DRISCOLL. Did he refer it over to Gen. Edwards?

Mr. JONES. No. The Attorney General was requested by the Chief of the Bureau of Insular Affairs to give his opinion. This request was made, as I have already stated, at the instance of an attorney who represented the New York capitalists, and who was not willing to advise his clients to purchase the San Jose estate in the absence of an opinion from the Attorney General of the United States to the effect that such a sale would be legal. It is perfectly clear to my mind that this attorney realized that there was grave doubt as to the right of the Philippine Government to sell any part of the friar lands in excess of 40 acres to one individual.

Mr. RUCKER of Colorado. Mr. Speaker, will the gentleman yield?

Mr. JONES. Certainly.

Mr. RUCKER of Colorado. The gentleman from Virginia [Mr. JONES] has refreshed his memory, as it occurs to me, very accurately concerning how it came about that the Attorney General gave this opinion. I sought to refresh the gentleman's memory about that as preliminary to asking a question which might cause him to refresh his memory in respect to another subject, which is this—I speak now from a visit that I made to the Philippine Islands, talking with the various factions there, as well as for a time being a member of the Committee on Insular Affairs and hearing the testimony—the gentleman has spoken about the protest of the Filipinos against the sale of great bodies of land. Now, I want to ask the gentleman if it is not true that the same objection to the sale of large quantities of land applies to the sale of any lands to Americans. Is it not true that the opinion of the representative from the Philippines was that as long as Congress allowed the lands to be sold to the Americans just so long was the postponement of independence, because the United States would be interested in protecting the capital invested there by her citizens, and so is not the objection to the sale of small quantities of land to Americans equal to the sale of large quantities of land for that reason and for that reason alone?

Mr. JONES. I can not assent to the gentleman's proposition as a whole. There is a strong sentiment in the Philippine Islands against the sale of these lands in large quantities to citizens of the United States because the Filipinos believe that such sales will operate against granting them their independence. They are opposed to selling them in large bodies, either to natives or to foreigners. They hold that it is to their interest that the lands shall be held in small tracts by actual settlers.

One of the Philippine Commissioners to this country does hold that under the language of section 15 of the organic act no public lands can be sold to aliens. In this opinion he is by no means alone. Indeed, it seems to me that the language of section 15 is too plain to admit of any doubt upon this point. It is in these words:

That the Government of the Philippine Islands is hereby authorized and empowered on such terms as it may prescribe by general legislation to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of the said islands such parts and portions of said public domain, etc.

Now, mark these words: The public lands can only be sold "to actual occupants and settlers and other citizens of the said



islands." It seems to me that language could hardly be made plainer than this. I do not believe that any sale of these lands to an alien is a valid sale, but that question is not involved in this bill. The sole purpose of this bill is to prevent the sale of the friar lands in large quantities to anybody, native or alien. But before I leave this subject I wish to state that the report which was presented to the House at the last session of the Sixty-first Congress, signed by Messrs. Madison, HUBBARD, and DAVIS, maintains that the Philippine Government is without authority to sell an acre of the public lands to an alien. The opinion expressed in this report, which was written by the late Judge Madison, is based upon the language of section 15, which I have quoted. So that the Philippine Resident Commissioner, whose views have been referred to, is in good company when he contends that the Philippine Government is acting without warrant of law in selling the public lands to foreigners.

Mr. BUTLER. That construction is possible.

Mr. JONES. I firmly believe that is the correct one.

Mr. BUTLER. Then the title to these lands sold would not be good, I suggest.

Mr. JONES. It is not good for the reason they have been sold to aliens and for the additional reason that they have been sold in quantities in excess of the limitations prescribed by the act of Congress. The gentleman from Colorado [Mr. RUCKER] took the ground in the separate report which he alone signed that resort should be had to the courts to settle the legal questions in dispute. It is not clear just how such a proceeding could be instituted, but Congress can and, in my judgment should, legislate upon the subject and settle it definitely and for all time.

Mr. RUCKER of Colorado. The gentleman having just mentioned that I signed a separate report, will he allow me a moment?

Mr. JONES. I think I correctly stated the gentleman's position.

Mr. RUCKER of Colorado. Except that I elaborated a little bit to the effect that I believed it was in the interest of the Filipinos to have those lands sold to Americans. I do not believe that the lands ought to be sold to anybody else, because they were under our protection, and the more lands sold to Americans the more protection the Filipinos would get, and I referred to the fact, if not in that report on some other occasion, that on my visit to the Philippines and seeing how much money we had expended and the great benefit to the Filipinos coming from the money we were expending from year to year there, that the Filipino was getting the benefit of. I talked to the greatest insurrecto over there—Dr. Dominico Gomez—and in talking with him in favor of independence, he said that they wanted independence, they wanted nationality, whether it was in 15 or 20 years, which was but a minute in the life of a nation, and I agreed with him, and I want to say in this connection, because I have an engagement and have to go, so the gentleman will pardon me for saying this: That I said to him, "Then you want our troops to get right away from here and we turn the government over to the Filipinos?" He said, "Yes; that is what we want."

"Well," said I, "suppose that Japan or some other nation would come down here and want to take our place?" "Oh," he says, "we do not want that done." Then I said to him, "You just want to call us up on the telephone and have our Army come back over here and take it away from this nation that had taken it from you?" He said, "As great a Nation as you are and as much as you have done for us, certainly that is what we expect you to do."

Mr. JONES. I would like to ask the gentleman if the Dr. Dominico Gomez from whom he has quoted is not the Dr. Gomez who was expelled from the Philippine Assembly?

Mr. BUTLER. Was it not about right?

Mr. RUCKER of Colorado. I believe this man does spend a large part of his time in jail, but he represents that class of the Filipinos that the gentleman from Virginia [Mr. JONES] is now talking for.

Mr. JONES. I beg the gentleman's pardon. The Filipinos who constitute the membership of the assembly expelled him from that body.

Mr. MICHAEL E. DRISCOLL. Is that the one they call Dr. Gomez?

Mr. JONES. Yes. I wish to say further in reply to the statement made by the gentleman from Colorado [Mr. RUCKER] that there are two political parties in the Philippines—one the Nacionalista and the other the Progresista. Of the elective assembly 15 of its members belong to the Progresista Party and the remainder belong to the Nacionalista Party. One of the Resident Commissioners to this country is Mr. LAGARDA and the other Mr. QUEZON, the former being a member of the Pro-

gresista and the latter a member of the Nacionalista Party. Mr. LAGARDA was nominated by the Philippine Commission and Mr. QUEZON by the assembly. They and the parties which they respectively represent are opposed to the sale of the friar lands in large bodies. There is no division of sentiment among Filipinos upon this subject.

Dr. Dominico Gomez is an agitator. He does not belong to either party. He is in no sense a representative Filipino, and he is almost the last Filipino whose views should be quoted upon any subject relating to the Philippines.

Mr. MICHAEL E. DRISCOLL. He is a party all by himself?

Mr. JONES. He is a party all by himself and always has been.

Mr. KINDRED. I have not been able to follow the full explanation of the bill as presented by the gentleman, but I would like to ask if the chief object of the bill is not to restrict the sixty millions or more of the public lands in the Philippines to the same conditions as regards their sale as the organic law now prescribes for the sale of other lands to aliens?

Mr. JONES. No; it is quite the reverse of that. The organic law restricts the sale of the 60,000,000 acres of public lands. It does not permit those lands to be sold to individuals in excess of 40 acres or to corporations in excess of 2,500 acres.

My contention and that of the Insular Affairs Committee is, that the friar lands are subject to the same restrictions as the public lands, and that they can not be sold in larger quantities than the so-called public lands can be sold.

Mr. NYE. The gentleman has kindly explained that four times.

Mr. JONES. Yes; I have repeatedly made this statement.

Mr. KINDRED. I thank the gentleman. Did I understand him to quote Mr. QUEZON, representing a majority from the Philippines, as in favor of this measure?

Mr. JONES. He is in favor of this measure. I do not care to take up any more of the time of the House in explaining this measure. No good is to be accomplished in discussing the purely legal questions involved. As to them there is wide difference of opinion. The gentleman from Pennsylvania [Mr. OLMSTED] holds one view and I hold another and a very different view. The gentleman from Illinois [Mr. STEELING] seems to agree with the construction which I place on the language of section 65. It is for Congress to decide what its intention was in respect to the disposition of the friar lands as that intention is expressed in section 65.

I believe that the Philippine Government, as I have endeavored to point out, has violated the organic act in two important particulars. This bill seeks to make the law so plain as to one of them that there can be no room for honest doubt in the future.

Mr. TILSON. May I interrupt the gentleman there?

The SPEAKER pro tempore. Does the gentleman from Virginia yield to the gentleman from Connecticut?

Mr. JONES. Yes. I shall be very glad to yield for a question.

Mr. TILSON. Does it matter, so far as this House is concerned, whether one construction of that section is correct or the other? Is it not rather the business of this House to determine whether or not such restrictions as are now applied under section 15 of the law should be applied to the 388,000 acres of the friar lands?

Mr. JONES. I agree entirely with the gentleman.

Mr. TILSON. It simply makes the 388,000 acres of the friars' lands subject to the limitations that apply to the 60,000,000 other acres of public lands in the Philippine Islands.

Mr. JONES. That is just what it does. I am of the opinion, as I have said, that those restrictions now apply to the friar lands. Other gentlemen think differently. There are some who think that the 40-acre limitation is too small, but that is a question with which this bill does not attempt to deal.

Mr. TILSON. Is not the only question that we are to pass upon here the question, Is it right and proper that we should fix that limitation upon the disposition of the remainder of the friars' lands?

Mr. JONES. Yes. In effect that is the only question. And yet some gentlemen may be influenced in passing upon that question by what they believe the law now to be. There are some who think the limit should be raised from 40 to 80 acres, and others believe that 100 acres would not be too much to sell to a single individual. I doubt if anybody agrees with the Philippine Commission that it should be permitted to sell all that remains of the friar lands to one individual.

Mr. COOPER and Mr. MANN rose.

The SPEAKER pro tempore. To whom does the gentleman yield?



Mr. JONES. I will yield first to the gentleman from Illinois [Mr. MANN], and then I will be glad to yield to the gentleman from Wisconsin [Mr. COOPER].

Mr. MANN. Where you change the words "public property" to "public domain," is that a matter of form, or a matter of substance? [Laughter.]

Mr. JONES. I had not thought it was a matter of substance; but the gentleman from Pennsylvania [Mr. OLMSTED] did not agree with me, and therefore I propose to substitute the word "domain" for the word "property."

Now I yield to the gentleman from Wisconsin.

Mr. COOPER. As to the number of acres that ought to be sold to an individual or to a corporation, was it not testified by competent witnesses that an acre of those friar lands, the richest in the islands, is as good as 2 acres, or even more, in this country in productivity?

Mr. JONES. I think the testimony was to the effect that it was equal to 4.

Mr. COOPER. Yes; some of them said that it was as good as 4.

Mr. JONES. I think the Governor General of the islands, the Hon. William H. Taft, testified that it was equal to 4 in productivity.

Mr. COOPER. Yes. So that by selling the Filipino 40 acres of that friar land you sell him practically the equivalent of 160 acres of our average farm lands. And those witnesses testified also, as did Mr. Taft, now President, that 40 acres is more than the average Filipino would cultivate the year round.

Mr. JONES. On that point I should like to say that the committee report quotes from the annual report of Secretary Worcester, who is not only a member of the commission, but is the secretary of the interior, and these lands are all administered under his direction. This is what he says in his report:

The average area of homestead applied for has been a trifle more than 11 hectares, which is doubtless far more than the average man will be able to cultivate.

Secretary Worcester, who practically administers the friar lands, and who wants to sell them in quantities of 100,000 acres if he can find a purchaser, says in his report that the average area of homesteads applied for has been a trifle more than 11 hectares, 5 hectares less than the maximum limit fixed in the law.

Mr. COOPER. Eleven hectares would be about 30 acres.

Mr. JONES. Which, according to Secretary Worcester, is more than the average man will be able to cultivate. It seems to me that if what Secretary Worcester says in his report is true, there is no need of raising the limit above what it now is.

There has been a good deal of discussion as to what was the understanding of the various members of the Committee on Insular Affairs as to the meaning of the language of section 65 when the act of July 1, 1902, was being considered in the House. At that time the gentleman from Wisconsin [Mr. COOPER] was the chairman of the Committee on Insular Affairs, and I wish to ask him if it was not understood when section 65 was framed that it made the sale of the friar lands subject to the limitations fixed in section 15? He had much to do with framing the bill and no Member of Congress is better qualified to say what it contained. But for the fact that there has been considerable controversy over this, I would not appeal to the gentleman to state what his understanding was.

I maintain, and have always maintained, that it was the understanding of the Committee on Insular Affairs and of Congress that the limitations which applied to the public lands applied also to the friar lands. I have before me the CONGRESSIONAL RECORD containing the speech which I made when the bill was before the House. I was at that time the ranking minority member of this committee, and I spoke at considerable length upon that bill. I wish to call the attention of the House to the language which I used at that time in reference to this very matter. I said then:

What I particularly desire that the House shall know is this: These friar lands are the finest in the Philippine Islands, most of them lying adjacent or near to the city of Manila. The commission has authority to issue bonds and buy them, and after they are purchased they are to be held and treated as other public lands.

I made that statement on the floor of this House. It was not challenged by the chairman of the Committee on Insular Affairs. It was not questioned by the gentleman from Pennsylvania [Mr. OLMSTED], who is now the ranking minority member of the committee. I wish to ask the gentleman from Wisconsin [Mr. COOPER], who, as I have said, was then chairman of the committee, if there was ever a doubt expressed as to the correctness of the construction placed by me upon the language of section 65? I would like to ask him if that was not the construction

which he placed upon it, and if it ever occurred to him that it was susceptible of any other construction?

Mr. COOPER. Of course, Mr. Chairman, that was the understanding. I never so much as imagined that anybody would claim that there was any different understanding until I read what Gen. Edwards, of the Bureau of Insular Affairs, said. And yet he himself had urged upon me many times that there ought to be an enlargement of the area fixed by the statute of 1902, and I had refused many times. I said I did not believe that there ought to be larger amounts of land sold by the Philippine Government to any individual or corporation. Not only this, but anybody who knows the object of those sections of the statute which relate to the friar lands and to other public lands in the islands will understand that that must have been the intention of the committee. The object of the statute was to prevent the exploitation of the islands, and therefore the act of 1902 provided that where land was held in such large quantities by corporations, associations, religious bodies, or by individuals as to be detrimental to the welfare of the Filipino people, then the Philippine Government could take it by condemnation proceedings. Does anybody suppose that Congress intended the law to authorize the Philippine Government to take 400,000 acres of land away from the friars because it was a larger amount than ought to be held by an association and afforded opportunity for exploitation, and then at the same time intended to authorize the Philippine Government to turn around and sell that land to an individual, Mr. Poole, who went there as the agent for Mr. Havemeyer, a nephew of the great king of the Sugar Trust? Does anybody suppose that? No member of that committee ever in my hearing suggested such a thing. When I get an opportunity to talk about this I think I shall be able to show that some individuals of prominence in this Government understood the intention of Congress and the law of 1902 itself to be as I have indicated.

Mr. MORSE of Wisconsin. Will the gentleman yield for one question?

Mr. JONES. I will.

Mr. MORSE of Wisconsin. The committee saw fit to put a limitation of 2,500 acres on the amount of land that a corporation could acquire from any source. Why did not the committee see fit to put a limitation upon the amount of land that an individual could acquire?

Mr. COOPER. They did, and under any fair construction of the statute that will be so held—

Mr. MICHAEL E. DRISCOLL. Sixteen hectares.

Mr. COOPER. If any man is so technical as to forget the reason for which the statute was enacted, the abuse that it was intended to suppress, if he will be so very technical as to thwart the intention and spirit of the law, he will contend that it does not prohibit the selling of more than 16 hectares to an individual.

Mr. MORSE of Wisconsin. That is exactly what was done, and the records show that these large tracts of land were not purchased by corporations but by individuals.

Mr. COOPER. Any fair construction of the statute will agree with that put upon it by Mr. Moorefield Story, of the city of Boston, in replying to the Attorney General. Mr. Story, one of the leaders of the Boston bar, declares that a proper construction of the statute—any construction which would carry out its intent and do away with the evil which it was intended to suppress—must mean that an individual could not buy 200,000 acres from the Philippine Government, while a corporation was limited to only 2,500 acres, because there can be as great exploitation by selling an individual 200,000 acres as by selling it to a corporation.

Mr. JONES. Mr. Speaker, I think the gentleman from Wisconsin is laboring under a misapprehension as to the position of his colleague [Mr. MORSE]. Section 15 does limit the amount that the individual can purchase to 40 acres.

Mr. MORSE of Wisconsin. From the Government.

Mr. JONES. From the Government; it also limits the amount which a corporation can purchase from the Government to 2,500 acres. Section 75 declares that every corporation engaged in agriculture shall by its charter be restricted to the ownership of not to exceed 2,500 acres of land, no matter how or from whom acquired.

Now, the gentleman from Wisconsin [Mr. MORSE] wants to know why the organic law did not provide, or rather he claims that the organic law ought to have provided, that no individual could acquire more than 16 hectares of land from any source. His position, as I understand it, is that no individual in the Philippines should be permitted to acquire from any source more agricultural land than he can actually cultivate.



Mr. MORSE of Wisconsin. No; I think some limitation should be put on the amount of land that an individual could hold. I can see no reason for preventing a corporation from holding 2,500 acres of land and then permitting the stockholders and directors to acquire 100,000 acres of land. I insist that as long as that was not put in the organic act—

Mr. JONES. Acquired how?

Mr. MORSE of Wisconsin. Acquired in any way.

Mr. JONES. I understand the gentleman's position. Under the law no agricultural corporation can hold more than 2,500 acres. The gentleman thinks the law should also limit the holdings of an individual. The gentleman's position is that the law should limit to the holdings of the individuals as well as corporations, no matter from whom those holdings are acquired.

Mr. MORSE of Wisconsin. My position is that this law which you now bring before the House ought to make that provision.

Mr. JONES. The gentleman complains of the organic law, because it does not limit the holdings of individuals in any lands.

Mr. MORSE of Wisconsin. Yes.

Mr. JONES. I had very little to do with the framing of the organic law. I imagine one of the reasons of those who drafted the law for not so limiting the holdings of individuals, was that no such provision would stand the test of the courts. I doubt if Congress has the power to say that one individual can not acquire more than a certain number of acres of land. It can say how the public lands shall be disposed of, and it can say that corporations which it creates shall be restricted by their charters in the amount of their land holdings, as is done every day in the States, but I seriously doubt if Congress can say that no individual in the Philippines can hold more than 100 acres of land. There are many individuals in the Philippines who owned large tracts of land long prior to American occupation. Can the Government confiscate their lands? The Government can say, "We will not sell more than 40 acres of public land to an individual." I doubt, however, if it is competent for Congress or the Philippine Government to say to a Filipino who owns 40 acres of land that he can not sell it to a neighbor, because that neighbor already owns 5 acres; that he can only sell him as much as 35 acres.

Mr. COOPER. Mr. Speaker, if the gentleman will pardon me, I want to say that I did not understand the query of my colleague. I thought he was speaking of the law of 1902—the organic act. What I meant to say was that the organic act, properly construed, prohibited the Philippine Government from selling to an individual more than 16 hectares of land.

Mr. JONES. The contention of the gentleman from Wisconsin [Mr. COOPER] is exactly mine, that the restrictions of section 15 apply to the friar lands as well as to the public lands.

He can not understand any more than I can why sales of the 60,000,000 acres of the public lands should be restricted to 40 acres to individuals, and the commission be given a free hand in the sale of the comparatively small amount of friar lands. There are now only some 125,000 acres of these lands undisposed of, and why there should be such a desire on the part of the commission to sell them over the universal protest of the Filipinos in large tracts to aliens is incomprehensible to me.

Mr. OLMSTED. Mr. Speaker, will the gentleman yield?

Mr. JONES. Certainly.

Mr. OLMSTED. Can the gentleman see no difference between imposing conditions upon the sale of 60,000,000 acres of land belonging to the Government of the United States, and which the Government of the United States permits the Philippine Government to sell for its own benefit, and putting restrictions upon lands which were private lands when we acquired the Philippines and which the Philippine people purchased with their own money and which this bill would prevent them from selling?

Mr. JONES. I can not. The public lands, as well as the friar lands, are the property of the Philippine people. Every dollar realized from their sales goes into the insular treasury. If it is a bad policy to permit a Filipino to own more than 40 acres of public lands, it must be equally bad to permit him to own more than 40 acres of friar lands. Surely the gentleman will not contend that the wisdom or the unwisdom of an individual owning more than 40 acres of Government lands should be made to depend upon how the Government acquired those lands.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. JONES. Certainly.

Mr. RUCKER of Colorado. I want the gentleman to understand that I am not approaching this subject in any factious spirit. The fact is I do not know but that I shall vote for the

gentleman's bill, but I want him to make out the strongest case that he has; and, therefore, to refresh the gentleman's recollection again in respect to the fact that a judge over there, contrary to the opinion of the Attorney General, in determining one of the cases before him decided, as I understand, exactly as the gentleman's contention here, to which decision the gentleman has not yet referred. I think it is the strongest feature he has in his case at the present time.

Mr. JONES. I think that is true. I thank the gentleman for calling my attention to this decision.

Mr. RUCKER of Colorado. In that same connection the gentleman, I think, did not answer my question as to what was the consensus of opinion over there with reference to the investment of American capital, and I desire to call his attention to the question I asked of Mr. QUEZON upon that subject and his reply thereto. It is as follows:

Mr. RUCKER of Colorado. After all, Mr. QUEZON, is it not a fact, in your judgment and the opinions you have been able to get from others, that the greatest objection to the investment of American capital over there is that it will postpone the independence of the islands?

Mr. QUEZON. Without any question. In that connection I should state that the material development of the Philippine islands would be better promoted if Congress were to declare the intention of the United States toward the Philippines. The trouble is that the Filipinos think they are going to get independence to-day or to-morrow or in a few years, while some people believe they will never get it, and the Filipinos are, in fact, in some way or another trying to prevent any more investments in the islands until Congress has declared the policy of this Government with regard to the Philippines.

Is there any better opinion which has been given to the committee than that of the representative here of the Filipino people, Mr. QUEZON?

Mr. JONES. I think not, and therefore I have said as clearly and as frankly as I could that there were two reasons, as I understand it, why the Filipinos are opposed to the sale of these lands in unlimited quantities. One is that they fear if American capital shall be largely invested in Philippine lands that capital will oppose granting them their independence. They believe, and not without reason, that the exploitation of their country by American capitalists will postpone indefinitely, if not forever, the granting of their independence. That is one reason why the Filipinos are opposed to the sale of the friar lands of the Havemeyers and Senffs of the United States in large bodies. Another reason is that they believe that the ownership of the lands by native farmers in small bodies, rather than by a few foreign capitalists in immense tracts, will be promotive of the very best interests of the islands. They do not believe that the financial conditions of the islands are such as to make it necessary, or even desirable, to sell the remainder of the friar lands in large bodies to alien capitalists. Of the \$7,000,000 bonds, \$5,000,000 are provided for by a sinking fund. The remainder can easily be taken care of out of the general revenues of the islands. Both of the Resident Philippine Commissioners to this country, representing the two political parties of the islands, and voicing the universal sentiment of the Filipino people, oppose the selling of these lands in large bodies, and Congress should respect their wishes. The only people in the United States who have any interest in this question are a few men who desire to purchase these lands in order to produce the 300,000 tons of sugar which are admitted to our markets free of duty.

Mr. TOWNER. Will the gentleman yield?

Mr. JONES. I will yield to the gentleman from Pennsylvania first and then to the gentleman from Iowa.

Mr. OLMSTED. I merely wanted to ask the gentleman this question. The gentleman from Virginia has referred to the other Resident Commissioner, Mr. LEGARDA. I would like to ask when and where he ever declared in favor of restricting the sale of these friar lands to 40-acre tracts?

Mr. JONES. I will say to the gentleman that I have had a great many conversations with Mr. LEGARDA on this subject. I know, therefore, that he feels the deepest and keenest interest in the passage of this measure, and that he holds that the exploitation of these lands will be most detrimental to the best interests of the Filipino people. I will state further, and I am not betraying any confidence, that within the last few weeks Mr. LEGARDA has said to me that rumors have reached him to the effect that notwithstanding the statement of the Secretary of War that no further lands would be sold in large quantities until Congress had acted, the commission is actually disposing of them in large bodies. He is much exercised over the matter.

Mr. OLMSTED. If that is true, the gentleman has kept his anxiety very private.

Mr. JONES. He has not from me.

Mr. OLMSTED. He has not appeared before the committee. Mr. JONES. No; he did not. He was not asked to appear before the committee.

Mr. TOWNER. Will the gentleman yield for a question?



Mr. JONES. Yes.

Mr. TOWNER. Will the gentleman tell the committee how much of these lands can be disposed of by the commission; how much of the 125,000 acres can the commission dispose of as a commission? That is, how much of this land is in non-Christian territory so that it may be within the disposition of the commission alone?

Mr. JONES. I can not; the bulk of it is in the Christian provinces. I understand from Mr. QUEZON that there is a considerable body in Nueva Viscaya, one of the non-Christian provinces and that the remainder is in Christian provinces.

Mr. TOWNER. The large bulk of the 125,000 acres that are to be affected by this bill are within the Christian provinces, is it not?

Mr. JONES. The largest body is in the non-Christian province of Nueva Viscaya, amounting to something less than 50,000 acres.

Mr. TOWNER. And the commission have no power to dispose of any lands that are within Christian provinces? Is not that true?

Mr. JONES. When I speak of the commission, I mean the secretary of the interior, under whose department the land laws are administered. He is a member of the commission and I presume acts with the approval of the commission. The interior department disposes of the lands wherever situated.

Mr. TOWNER. Of the Filipino people themselves—

Mr. JONES. Let me explain.

Mr. TOWNER. Certainly.

Mr. JONES. The legislature has enacted two or three acts relating to the disposition of the friar lands, and the secretary of the interior and the director of public lands have been disposing of them under what I conceive to be an erroneous interpretation of the organic law. The bureau of public lands is a bureau of the interior department, and it disposes of the public lands wherever those lands are located, whether they be in Christian or non-Christian provinces. The Philippine Commission legislates exclusively for the non-Christian provinces. The Philippine Government is such a complicated and anomalous affair that we are very apt to become confused in discussing these matters. I think the act of the Philippine Legislature passed in 1908, is in conflict with the provisions of the act of Congress of 1902, and I have the best of reasons for believing that it was passed by the assembly under a misapprehension. As soon as the assembly learned that the secretary of the interior was proceeding to sell the friar lands to individuals in tracts in excess of 40 acres, it passed an act repealing the act of 1908 and asked the concurrence of the commission in its action. The commission flatly refused to repeal the act, and the secretary of the interior, who happens to be a member of the commission, proceeded with great haste to sell to three men—Havemeyer, Senff, and Welch—56,200 acres of this land. It was this transaction which brought about the congressional investigation and which caused me to introduce this bill.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. JONES. Certainly.

Mr. OLMSTED. I understood the gentleman to say, on the authority of the Resident Commissioner [Mr. QUEZON], that some of this unoccupied friar land is within non-Christian territory.

Mr. JONES. Yes; I said in Nueva Viscaya.

Mr. OLMSTED. There is none in that province.

Mr. JONES. The gentleman is correct. I recall that it is in the adjoining Province of Isabela. If the gentleman will examine the minority report written by himself, he will find that in Isabela Province there are 48,622 acres of the undisposed of 125,000 acres, and Isabela is a non-Christian Province. It makes no difference, however, where the friar lands or any other public lands are located, since they are all under the management of the director of lands, subject, of course, to the supervision of the secretary of the interior.

Mr. OLMSTED. How long does the gentleman think it will take to sell those lands in 40-acre tracts?

Mr. JONES. I do not know that they can be sold between this and doomsday. I do know, however, that the Filipino people are a unit in their opposition to their sale in large bodies to the American Sugar Trust. I know that they prefer paying out of the general revenues of the islands the sum now due upon their purchase, and I think it would be a crime for the gentleman from Pennsylvania and myself to sell their lands to any set of men over their earnest protest. I believe that the law of Congress has been flagrantly violated, and unless Congress acts, and acts quickly, every acre of the friar lands undisposed of will pass forever out of the hands of the Filipino people. In my judgment it is the duty of Congress to prevent this.

The gentleman from Pennsylvania [Mr. OLMSTED] does not agree with me as to my interpretation of the law, and there-

fore nothing is to be gained by discussing the legal proposition. The practical question now before the House is, Shall we permit the interior department of the Philippine Islands to dispose of 125,000 acres of friar lands to foreign capitalists for purposes of exploitation when they are appealing to us not to do so? Shall we assume that one man, the secretary of the interior, knows better what is for the interest of the Filipino people than they do themselves? Surely, if it is good public policy not to permit the exploitation of 60,000,000 acres of public lands of every description, it ought to be good policy to prevent the exploitation of the rich friar lands.

The gentleman from Tennessee [Mr. GARRETT] a few moments ago—

Mr. RUCKER of Colorado. Will the gentleman yield to me for a question on which I desire information?

Mr. JONES. Yes.

Mr. RUCKER of Colorado. Does the gentleman know where these bonds are held?

Mr. JONES. I do not.

Mr. RUCKER of Colorado. Is it not a matter of some importance, inasmuch as the gentleman must realize that these bonds can not be paid off unless these lands are sold?

Mr. JONES. Why does the gentleman say they can not be paid off unless these few acres of friar lands are sold? Nobody ever supposed at the time of their purchase that they could be sold for enough to retire the bonds issued for their purchase.

Mr. RUCKER of Colorado. I will say this: I believe it is very well known that the internal as well as the import taxes there will not be able—

Mr. JONES. The gentleman is entirely mistaken about that. I will say to the gentleman that the Philippine Government has expended in the last few years out of the general revenues \$11,000,000 for improving harbors and in the prosecution of other public works. All this, of course, in addition to the ordinary expenses of government.

Mr. RUCKER of Colorado. That has got to go on.

Mr. JONES. But you must concede that they are fully able to retire these bonds if they wish to do so.

Mr. RUCKER of Colorado. Are they retiring these bonds? Are they building up a fund for that purpose from their natural resources? Are they not depending for the paying of these bonds upon the sale of the lands? That is the question.

Mr. JONES. Not at all. A sinking fund, which now amounts to \$5,000,000, has been already provided. The remaining \$2,000,000 will be paid out of the proceeds of such of the 125,000 acres of friar lands as can be sold in 40-acre lots to individuals or 2,500-acre parcels to corporations. The funds thus derived must under the law be devoted to the payment of the friar bonds. If a sufficient quantity of these lands can not be sold in this way in time to meet the bonds when they mature, then any residue can be met out of the general revenues, which are and will continue to be ample for that purpose. The law provides that the proceeds of the 60,000,000 acres of public lands shall be paid into the insular treasury and then can be used to pay off the friar bonds. But if not a single acre of the friar lands or the public lands are ever disposed of under the present restrictions as to acreage and occupancy and not a dollar is realized from those sources toward paying off the friar land bonds, the Filipinos are entirely willing to tax themselves to raise the necessary funds. The object sought to be attained in purchasing these lands was to take them out of the hands of three great landlords and to place them in those of many independent native farmers. It was never dreamed that they were to be sold to representatives of the American Sugar Trust.

Mr. Speaker, unless some gentleman wants to ask me a question as to some feature of the bill, I shall yield the floor to the gentleman from Pennsylvania [Mr. OLMSTED].

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] is recognized for one hour.

Mr. OLMSTED. Mr. Speaker, I desire to ask the gentleman from Virginia, before taking the floor, if he has any intention of cutting off debate?

Mr. JONES. I have no such intention. I do not know how long they want this thing to run. I want it to run for a reasonable time.

Mr. OLMSTED. Mr. Speaker, I will not take the floor at this time. I would like to have the gentleman from Iowa [Mr. TOWNER] recognized.

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] is recognized for an hour.

Mr. TOWNER. Mr. Speaker, I confess to a feeling of something akin to reluctance to discuss this question, and I am reluctant to discuss it because it is a question about which one ought to have a greater amount of information than, unfortu-



nately, I have yet been able to acquire. I am unable, however, to join in the ideas that have been suggested by the gentleman in his remarks in favor of this bill however much I might agree with the principle for which he assumes to contend. I think there is no man on the floor of this House that would desire the exploitation of the Philippine Islands. I judge that proposition can be considered as settled. But it is, after all, a very great assumption to say that this bill will prevent the exploitation of the Philippine Islands. In the first place, it can apply only to about 125,000 acres of land. There are in the Philippine Islands subject to disposition over 60,000,000 acres of land. This bill would affect less than one-fourth of 1 per cent of all the lands of the Philippines, and to speak of it as a measure to prevent the exploitation of the lands in the Philippines seems to me to be hardly justified by the facts. These lands are a remnant of the purchase that was made by the United States Government, or, rather, by the Filipinos themselves, of the friar lands. It will not be necessary, nor will it be of any particular advantage, in this discussion to explain the grounds on which that purchase was made. There is no difference, however, of opinion that it was a wise policy. Everyone admits now that they ought to have been purchased, that it was an act of wisdom on the part of the General Government to take the initiative, and that it was acquiesced in by the Filipinos themselves in their own interest.

These lands were purchased by the issuance of bonds by the Philippine government. These bonds are to be paid by the sale of the lands; and, as has been stated by the chairman of the committee, already five millions of the \$7,000,000 has been paid from the proceeds of the lands already sold, so that but \$2,000,000 of the debt yet remains to be paid.

It is believed, and I think with justification, that the sale, if it can be made advantageously, of the remaining lands in the Philippines will wipe out the remainder of the debt.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. TOWNER. Certainly. Does the gentleman desire to ask a question?

Mr. GARRETT. I do, if the gentleman will permit.

Mr. TOWNER. I shall be glad to answer.

Mr. GARRETT. The gentleman does not want to leave the impression that the payment of the bonds is dependent upon the sale of the lands?

Mr. TOWNER. No; I did not intend to leave such an impression as that.

Mr. GARRETT. Perhaps the language is susceptible of that construction.

Mr. TOWNER. I did not desire to create any such impression. It was the expectation, I will say, that the sale would wipe out this indebtedness. I think it was, perhaps, even more than that, although I am not certain in regard to that.

However that may be, Mr. Chairman, these lands, by the very terms of the act itself, were to be disposed of by the Philippine Government. It was claimed that although they were thus to be disposed of by the Philippine government under the terms of the act they must then be considered as a part of the public domain and subject to the organic law which disposed of the public domain which was held by the United States. However, as the law is interpreted by the attorney general of the Philippine Islands and by the Attorney General of the United States, a different view was taken by them. They held that these lands never were in fact the property of the United States; that they did not become a part of the property of the United States; and that therefore they were not subject to the limitations upon the disposition of the lands of the United States that had been imposed by the organic law.

However that may be, whether that was a correct interpretation or not, I do not care to discuss, and it would be useless for us now to take the time of the committee to discuss it. We now have the proposition before us as to whether at this time this Congress will pass a limitation by this proposed law upon the Philippine Government itself regarding the disposition of these lands.

Under the law as it now stands the Philippine government has the right to dispose of these lands in its own interest and as it may deem best. The proposition we are now considering is to take away from the Philippine government the right to dispose of these lands as it may consider best for its own interest.

Mr. BUTLER. Will the gentleman permit me there?

Mr. TOWNER. Certainly.

Mr. BUTLER. I understood that the power to sell these lands was vested entirely in the commission and not in the Philippine Government.

Mr. TOWNER. I can only answer that by saying that the terms of the law directly prescribe that these lands shall be

disposed of by the Philippine government itself, and that is the only power now in existence that can dispose of them. The Treasury Department can not dispose of them. The Government of the United States can not dispose of them. The President himself can not dispose of them, because he has not the power to make nugatory this law, which says who shall have the power to dispose of these lands.

I want to quote the language of the law in regard to that. The language of the law is—

That the lands thus purchased shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, sold, and conveyed or leased temporarily for a period not exceeding three years after that acquisition by said government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act.

Now, it has already been determined by the Government of the United States that there were no limitations that applied to the sale of these lands, so that the law as it now stands and as it has been interpreted so far is that the Philippine government as at present constituted has the absolute and sole power of disposing of this little portion that is remaining from the lands secured from the friars.

Mr. GARRETT. Will the gentleman permit right there?

Mr. TOWNER. Certainly.

Mr. GARRETT. All that portion of the land that lies in the non-Christian Provinces is, of course, disposed of exclusively by the commission, because for those Provinces the commission is the Philippine government, is it not?

Mr. TOWNER. The gentleman is probably correct upon that proposition, and I have just conferred with the Delegate from the islands—

Mr. JONES. I should like to say that the gentleman is in error as to that. They are not disposed of under any law enacted by the commission. They are being sold by the director of public lands. The law under which these lands are being disposed of was enacted in 1908, I think, and after the first legislature had convened in 1907. These lands are being administered by the bureau of lands, which is a bureau of the interior department.

Mr. GARRETT. Since the gentleman refreshes my memory as to that, I think his statement is correct. I think the legislature has control of those lands in the non-Christian Provinces.

Mr. JONES. The legislature has enacted all the recent laws on the subject.

Mr. TOWNER. I am under obligation to the chairman of the committee for calling attention to that fact, which of course only strengthens my position. I was going to say that all the lands remaining unsold now, however, are in the Christian Provinces, as I am informed by the Delegate [Mr. QUEZON].

Mr. MARTIN of Colorado. The gentleman appears to seek to emphasize the insignificance in quantity—I believe “insignificance” is the term he used once or twice—of these so-called friar lands. That being true, does not the gentleman think it is rather singular that this Government enforced the sale of those lands from their owners, the orders of friars, to the Philippine government at a cost of \$7,200,000?

Mr. TOWNER. I will answer the gentleman by saying that the gentleman is perhaps better aware than I am that it was not altogether a question of the lands and the importance of their acquisition, but other questions entered into the problem—questions that were of vastly greater importance than the mere acquisition of the lands themselves.

Mr. MARTIN of Colorado. I do not want to trench upon the gentleman's time, if it is very limited, but I want to say to him that one fact with reference to the acquisition of these lands appears to have been established as clearly as any other, and that is that after their taking over from the original owners they were to be broken up into small holdings among the natives of the islands.

Mr. TOWNER. The gentleman is perhaps correct about that; I do not know; but I would say that already the great bulk of these lands have been so disposed of.

Mr. MARTIN of Colorado. If the gentleman will permit one further suggestion, I shall not interrupt him any more. That suggestion is this: An additional and, in my judgment, very substantial objection is that the sale of these lands in such large tracts—56,000 acres, for instance, in one body—would unquestionably establish a precedent which would lead to the sale not only of those lands but of the public lands in large quantities, and therefore it was desirable, from that consideration, to stop such a policy at its very inception.

Mr. TOWNER. I sympathize with the idea suggested by the gentleman. I can hardly believe, however, that there can be legitimate arguments used upon that proposition with regard to the disposition of these friar lands. They constitute a separate and entirely independent question.



Certainly, it is important that these lands be sold, if they can be sold, to the best possible advantage, for the purpose of paying off the debt of \$2,000,000 which was incurred for their purchase. These people themselves, the Philippine government, ought to be allowed to dispose of this small fragment left of 125,000 acres of land, if they possibly can, so that they can pay the \$2,000,000 that they now owe for these lands.

Mr. COOPER. The burden of that interest, and of providing a sinking fund, to do away with that \$7,000,000, is of little importance in comparison with the selling of 5,000 acres to Mr. Poole, who was the agent of the Havemeyer, and the possible selling of one hundred thousand and odd acres to somebody else. It is vastly important that sales in such large amounts to one purchaser should not be made and that the islands should not be exploited in that way. The \$7,000,000 and the payment of the interest is nothing at all compared with the evil of selling 100,000 acres of land in those islands in one tract to a single owner.

Mr. TOWNER. I sympathize with the gentleman's point of view. The only place where I would part company with him would be in this: The gentleman believes that if we allow these people themselves to dispose of these lands, if they want to, that will lead to an exploitation of the Philippine Islands. I decline to think that is in any way necessary or in any way inevitable.

I decline to think it would be even an encouragement to that. Mr. Speaker, it seems to me a most singular proposition that these gentlemen now make. They are unwilling to allow the Philippine government to dispose of its own lands in its own way, and yet these gentlemen bring in a bill here for Philippine independence and want them to be allowed to do everything that an independent nation may do. They are unwilling to allow them to have the privilege of disposing of 125,000 acres of their own lands as they see fit, and yet they want to give them the power of disposing of 60,000,000 acres of land as they see fit. It seems to me such a position is hardly consistent.

Mr. Speaker, it should be remembered that already the law is in existence, which the Filipinos themselves can not change, forbidding any corporation from owning or acquiring more than 2,500 acres of land. The gentleman speaks of the acquisition of land by the Havemeyers, or the Sugar Trust. It may be that is an evil. It may be that there ought not to be any sugar plantations, or any sugar raising on American soil. I understand that is the position of gentlemen on the other side who believe that sugar ought not to be raised, either on plantations in the South or on farms in the West.

Mr. JONES. Will the gentleman permit?

Mr. TOWNER. I will.

Mr. JONES. I will say to the gentleman that a great deal of sugar is being raised in the Philippine Islands, particularly in the island of Negros. The Philippine Commission is even aiding in the establishment of sugar mills in non-Christian Provinces.

Mr. TOWNER. While the gentleman is on his feet I want to ask him a question.

Mr. JONES. Very well.

Mr. TOWNER. Is it not true that while the individuals, Mr. Havemeyer and others, have acquired this land, it has been only slightly improved—that is, that they have gone only to a slight extent in using the lands?

Mr. JONES. I do not know whether they have as yet manufactured any sugar, but they have expended a great deal of money preparing to do so. I may say that last year and year before last, since the Payne-Aldrich tariff bill went into effect, we have been admitting sugar from the Philippine Islands into this country free of duty. They have sent to this country many thousands of tons of sugar, not one ton of which was raised by the Sugar Trust or anybody connected with the Sugar Trust, but by the Filipinos.

Mr. GARRETT. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. GARRETT. I want to make a statement in answer to the suggestion of the gentleman. Horace Havemeyer, who is one of the purchasers of the San Jose estate, testified before the special committee appointed to investigate the American Sugar Refining Co. last autumn that they had at that time 500 acres under cultivation and were moving rapidly, taking in more and more, as fast as possible.

Mr. TOWNER. That is about 1 per cent of the purchase.

Mr. GARRETT. That would not be quite 1 per cent, but they are moving rapidly.

Mr. OLMSTED. If the gentleman will permit, reference has been made to these lands as having been purchased by the Sugar Trust. These men were at one time connected with the Sugar Trust, but they are now the bitterest opponents of the Sugar Trust, and have no stock or interest in it.

Mr. GARRETT. I am not sure whether that is true or not of Mr. Senff, but it is true of Mr. Havemeyer.

Mr. OLMSTED. Mr. Senff is dead.

Mr. TOWNER. Mr. Speaker, all these questions are somewhat remote except as they may bear on the exploitation of the Philippine Islands by great corporations. It seems to me that we are justified in saying that is prevented by the present law, which, in so far as any affirmative action on the part of the General Government is concerned, limits the holdings of corporations to 2,500 acres of land, and that limitation applies as well to the friar lands as to the public lands.

It is suggested by the chairman of the committee that this law may be evaded, but, Mr. Speaker, may we not leave these things to the Government of the Philippine Islands itself? The United States is represented there by an upper chamber acting in their interest.

The Filipinos themselves are represented by the Philippine Assembly, which is composed exclusively of their own representatives, with knowledge presumably of their interests, acting presumably patriotically. It may certainly be safely assumed that no action will be taken by the present Philippine Government that shall be opposed to the interest of the Philippine people, and yet this limitation is sought to be placed upon their action regarding their own land in their own interest.

I suppose gentlemen could imagine that the upper branch of the legislature might be induced, through some sinister influence, to act in opposition to the real interests of the Filipino people, but certainly such an accusation could not be brought against the lower house of representatives, which is composed exclusively of their own people who have certainly their own interest at heart. Can it not be left to them to say what shall be done with their own property in their own interest? It has been suggested by the chairman of the committee that this is, after all, only a question of the interpretation of the law. I do not quite follow him upon that proposition. As I understand it, the object now is to fundamentally change the existing law. As the law now stands, these lands may be disposed of by the Philippine government, and it is proposed by this affirmative act to take away from them that power with regard to these especial lands.

Gentlemen themselves advocate the doctrine of local self-government. They support the contention that the Filipinos are now able to take care of themselves. They favor such action as will give to them now the status they say they are entitled to by their intelligence and understanding of their needs. They have attained, gentlemen assert, the place where they ought to occupy an independent position among the nations of the world. It is proposed immediately to give them almost an autonomous government, to give them almost independent power, to promise them after a brief period absolute independence. By such act they are to be given the power to do everything that a government can do, subject to a very few exceptions, and yet now here, preliminary to that broad act and in contravention of its spirit, it is suggested that we can not leave to them the right to dispose of even 125,000 acres of their own land as they may deem for their own best interests. So, Mr. Chairman, this bill does not appeal to my judgment as being wise or necessary or one really in the interest of the Filipino people. [Applause.]

Mr. HELM. Mr. Speaker, the purpose of this bill is to give the two classes of lands in the Philippine Islands the same status. For the purpose of illustrating the object of this bill we will assume that this House represents one of the Philippine Islands. Here on this side of the House is a body of land that is known as the public lands, and on that side is a body of land that is known as the friar lands. There is a line dividing the two boundaries or tracts of land. The quality of the two tracts or boundaries is exactly alike; they are adapted alike for all agricultural products and purposes. Different administration is now applied to these two tracts of land. On that side of the line the sales are limited to 40 acres to individuals and 2,500 acres to corporations, while on this side of the line the land is sold without limitation as to acreage. Then either one of two things should be done—the limitation of 40 acres and 2,500 acres should be taken off that body or tract of land on that side, or the limitation of 40 acres and 2,500 acres should be placed upon the tract of land on this side. Both of these methods of disposing of these lands can not be right. I think the limitations of 40 and 2,500 acres, respectively, is the right thing.

The argument of the gentleman from Iowa [Mr. TOWNER] that it is the intention of this act not to permit the Filipinos to regulate their own affairs is, in my opinion, entirely erroneous and misleading, because neither of the present methods of administration give the Filipinos control. We are the ones controlling it now and we should exercise this control to the



best interest of the Filipinos. The United States Government is the guardian of the Filipinos, and we are undertaking to administer this trust or charge. A great deal has been said upon this floor on former occasions about what has occurred in Alaska, what has been attempted with reference to the vast resources in the Territory of Alaska. We have undertaken to place limitations upon what may be held and owned there by persons and corporations. If it is right to conserve the resources of a country that we own and control and expect to continue to own and control, it is wrong for us as the guardian of an alien people to do unto them what we are unwilling to do with our own.

There is a feature connected with this proposition that strikes me very forcefully. We are at present witnessing an insurrection in Mexico and our troops are standing guard on the border line to protect American property, if it becomes necessary. The acquisition of these hundreds of thousands of acres in the Philippine Islands by American capital sooner or later is going to bring about the same situation in the Philippine Islands that we are confronted with to-day in Mexico. It may be all right and well enough for American capital to have the right to go where it wants to go, but I regret in the very first instance that the United States Government has remained in the Philippine Islands as long as it has, and the longer we assume control of the islands the more difficult it is going to be to get away. The more American capital that goes in there, the harder it is going to be to divorce the United States Government from its control of those islands. I do not believe that the American people will be very enthusiastic over trouble that is superinduced by the Sugar Trust and the Tobacco Trust. I am in favor of the Filipinos governing their own property. It is their birthright. The resources of the Philippine Islands are almost exclusively confined to agriculture. There are some minerals, there is some timber, some coal, and some other resources than those named, but I reassert that the main resource and dependence is that of agriculture. Necessarily this land is of the very best quality, because it is adapted to the cultivation and raising of sugar. In the exercise of our guardianship we should not strip them of the resources that they eventually must depend upon in order to maintain a government of their own. If we take away from them everything that they have of value and then permit them to establish a government, there will be very little of value left to be governed.

There will be very little of value that the Government must have in order to support and maintain that government, so that, as I stated in the beginning, this bill is intended to place these two classes of land in the same status, and, by limiting the amount that can be sold to corporations, it will conserve their principal resource. If there was a failure to use the exact language and apt expressions in the enactment of the law to control the friar lands, the purpose of this bill is simply to correct that error, if there was an error. It is my opinion that the statement made by the chairman of the committee is correct, namely, that the decision of the Attorney General construing the act relating to the friar lands was not warranted by the language contained in the act. Endeavoring to exercise that prudence that ought to control us in legislation affecting the Philippines, I believe that the enactment of this law will be a material advantage to and is in the interest of the Filipino people. [Applause.]

I yield such time as the gentleman, Mr. QUEZON, may desire. Mr. QUEZON. Mr. Speaker, I rise to support this bill—H. R. 17756. The people of the Philippine Islands are unanimously in favor of it.

As the chairman of the Insular Committee has already explained to the House the purpose of the bill, I shall confine myself mainly to meeting the arguments propounded against it.

If I understand it correctly, the contention of our opponents may be summarized as follows:

That inasmuch as under the law, as it now stands, the right and power to dispose of the friar lands is vested in the Philippine Government, to pass this law is to encroach upon a right already granted by Congress to the Philippine Government; that such encroachment is unwarranted, inasmuch as the United States is represented in that Government by the Philippine Commission and the Filipino people by the Philippine Assembly, and therefore it may certainly be safely assumed that no action will be taken by said Government that shall be opposed to the interests of the Filipino people.

That to curtail the powers already intrusted to the Philippine Government, wherein the Filipino people are represented through the Philippine Assembly, is to jeopardize the theory of the ability of the Filipino people to govern themselves, which theory is that maintained by the supporters of the bill.

That the disposition of the friar lands is purely a matter of business and no great question of public policy is therein involved; that it should be borne in mind that these lands were purchased with the proceeds of bonds issued by the Philippine Government, which bonds are to be paid with the sale of said lands, and therefore the Philippine Government ought to be allowed to do what in its judgment will facilitate the sale of these lands.

That to restrict the sale of the friar lands as stipulated by this bill is to make these lands unsalable, which means the imposing upon the Filipino people of the burden of paying from general taxation the money spent in their acquisition, which Congress has no right to do.

Much as I respect the opinion of our learned opponents, I am constrained to disagree with them.

#### THE BILL MERELY REENACTS SECTION 65 OF THE ORGANIC ACT.

The contention that this bill is taking away from the Philippine Government a right or power already granted to it by Congress can not, I believe, bear the light of a proper discussion. The paragraph of section 65 of the act of July 1, 1902, referred to by the gentleman from Iowa [Mr. TOWNER], reads:

That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the Government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said Government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act.

This section is by no means controverted by the bill now before the House. There is no provision in the bill which deprives the Philippine Government of the ownership of the friar lands, nor is there any proposition that the sale, conveying, or leasing of these lands be made by any government or entity other than the Philippine Government. The bill simply states that the Philippine Government in selling said lands must not sell them in excess of 40 acres, or 16 hectares, to individuals, and 2,500 acres, or 1,024 hectares, to corporations, which we contend is one of the limitations and conditions referred to in the section quoted.

As the chairman of the Insular Committee [Mr. JONES] already stated, those who took a leading part in the framing of the act of July 1, 1902, so-called organic act for the Philippines, always understood that the language "subject to the limitations and conditions provided for in this act," in the section quoted, meant that the unoccupied friar lands could not be sold in excess of 40 acres to individuals nor more than 2,500 acres to corporations.

The gentleman from Wisconsin [Mr. COOPER], who at the time of the passage of this act was chairman of the Insular Committee, has confirmed Mr. JONES's statement. The gentleman from Wisconsin said, in effect, that it was the understanding when the organic act was passed by Congress that the sale of friar lands was restricted by the same limitations imposed upon the sale of public lands, and that nobody ever dreamed, until the officials of the Philippine Government and the Attorney General of the United States construed the law otherwise, that the Philippine Government was ever granted by Congress the right of selling these lands in any quantity whatever as it may see fit.

The bill is not, therefore, writing a new law in the statute books of the Philippine Islands, but merely reenacting a law already passed by Congress whose provisions were not properly construed and enforced by the Philippine Government. In other words, it is my opinion that we add nothing to nor take anything from the organic act of the Philippines, and I hope it will be so understood, when this bill becomes a law, that Congress is not amending the act of July 1, 1902, entitled "An act temporarily to provide for the affairs of civil government in the Philippine Islands, and for other purposes," but that it is merely construing and expressing the original purpose and meaning of that act.

I believe, however, with the gentleman from Iowa [Mr. TOWNER], that it is useless to discuss now the merits of this contention, for whatever may be the opinion of Congress about it, the contention can only be properly decided by the courts. I shall not, therefore, take up any more time of the House in discussing whether or not the Philippine Government trespassed its constitutional limitations when it sold 55,000 acres of the Mindoro estate to some stockholders of the Sugar Trust.

Let us admit, for the sake of argument, that the bill now before the House is taking away from the Philippine Government a right already given to it by Congress—the right of selling the friar lands as it deemed wise, without restrictions of any kind whatever. Even then, though I am an advocate, on general principles, of as much autonomy for the Philippine Government as we could secure—even then, I repeat, I would rather see that right taken from the Philippine Government than allow it



to sell the friar lands in such tracts as it did in the case of the Mindoro estate.

The statement that "it may certainly be safely assumed that no action will be taken by the present Philippine Government that shall be opposed to the interests of the Filipino people, because they are represented in that Government by the lower house of the legislature, which is composed exclusively of their own people, and who certainly have their own interests at heart," is misleading; and the assertion that this bill is inconsistent with our theory that the Filipino people are capable of taking care of themselves is a conclusion reached without proper analysis of the actual facts.

Gentlemen know that the Philippine Government is not entirely, or even mainly, in the hands of the Filipino people, but, on the contrary, the legislative power is almost wholly vested in the Philippine Commission, a body appointed by the President of the United States without the consent or the advice of the Filipino people. Even after the inauguration of the Philippine Assembly, for all practical purposes, this commission has continued to be the Government of the Philippine Islands. Not only does it share with the assembly the legislative power of that Government, but in some instances it exercises that power without the concurrence of the assembly, and the fact that it is also the executive gives it a decided preponderance of control in the administration of the affairs of the islands.

Actual experience shows that the Philippine Assembly, in so far as the general policy of the Philippine Government is concerned, as well as in all important matters, has exercised but a negative power. That is, when the Philippine Commission has purported to enact a law which, in the opinion of the assembly, was not beneficial to the interests of the Filipino people, the lower house has been able to prevent the enactment of that law; but it has not been able to change in the least the general policy adopted by the commission before the inauguration of the assembly, though in its efforts to change it the assembly was faithfully complying with the will of the people. The general government of the islands, for instance, is now as expensive as it was before the inauguration of the assembly and the officials as extravagantly paid as they were, all attempts on the part of the assembly to reduce the cost of the Government to a reasonable figure having been of no avail, because of the opposition of the commission.

We have another good illustration of this fact in the very question of the sale and disposition of the friar lands. The assembly wishes to sell the occupied lands to their tenants on easy terms and reasonable price; the commission insists upon not reducing the high prices exacted for them. The assembly does not want to sell the unoccupied lands in bulk; the commission is determined to so dispose of them; and in both cases the pleasure of the commission controls.

When the assembly received complaints from the tenants of the friar-land estates that the sale price of their holdings demanded by the Government was too high, the assembly went into a careful and detailed investigation of the matter, and it found that the complaints were warranted by the facts.

It passed a bill lowering those prices, and the commission rejected the bill, with the result that the tenants have to pay a high price for their lands if they do not want to be dispossessed of them. When the assembly learned that the Government sold the Mindoro estate of 55,000 acres to Mr. Poole, a representative of some stockholders of the Sugar Trust, the assembly proceeded immediately to pass a bill limiting the sale of friar lands to individuals to 40 acres and to corporations to 2,500 acres. This bill was approved unanimously by the assembly, both political parties concurring therein, and despite the fact that all the native press approved of it and the people from all parts of the archipelago adopted resolutions indorsing it, and that the matter was purely the concern of the Filipino people themselves, because it was their own land, purchased with their own money, the commission defeated the bill.

In view of these facts it can hardly be asserted that because the Filipino people are represented in the Philippine Government by the lower house of the legislature, the Philippine Government will take no action that shall be opposed to the interests of the Filipino people. If the assembly had more power in the Philippine Government than it has now, or if both houses of the Philippine Legislature were elected by the people, then it could "certainly be safely assumed that no action will be taken by the Philippine Government that shall be opposed to the interests of the Filipino people."

#### THE ASSEMBLY IS FOR THE BILL.

The unjustifiable obstinacy of the Philippine Commission regarding the disposition of the friar lands gave the assembly no other alternative than to appeal to Congress, requesting this

body to make a declaration to the effect that the limitations imposed by the organic act on the disposition of public lands are also applicable to the friar lands, specifically those contained in section 15 of said organic act; and, moreover, that the sales heretofore made of the friar lands in violation of the limitations contained in section 15 and other provisions of the organic act be declared null and void, unless they be subsequently authorized by an act of the Philippine Legislature. The request was made by means of two resolutions, the first adopted on December 6, 1910, and the other on the 18th of January, 1912. The first resolution is as follows:

*Resolved*, That the Philippine Assembly do, and hereby does, declare, without entering upon a discussion of the legality or illegality of the matter, that the sale in large and unlimited tracts of the so-called friar estates to great corporations for their exploitation is contrary to the will, the sentiments, and the interests of the Philippine people; and, further, that the assembly do, and hereby does, state its desire that the sale of said estates to persons other than those who were tenants of the same prior to June 3, 1903, and of all other property acquired by the Government subsequent to the treaty of Paris be made subject to the limitations contained in section 15 of the organic act of the Philippine Islands relative to the public lands acquired by the United States in the Philippine Islands under the treaty of peace with Spain; and

*Resolved further*, That copies of this resolution be forwarded to the Congress of the United States, the Philippine Commission, and the honorable Secretary of War.

Adopted December 6, 1910.

I hereby certify that the foregoing resolution was adopted by the house on December 6, 1910.

RAMÓN DIOKNO,  
Secretary Philippine Assembly.

The second resolution was cabled to me by the secretary of the assembly in an extract form, and which translated into English is as follows:

MANILA, January 18, 1912.

QUEZON, Washington:

Assembly approved to-day a resolution an extract of which is the following:

*Resolved*, That it is the sense of the assembly that public interest requires that a declaration be made by Congress to the effect that the present limitations on the sale of public lands is applicable to the sale of friar lands, and more concretely all the limitations specified in section 15 of the organic act. The rights acquired by the tenants of friar lands at the time of the passage of act 1120 of the Philippine Legislature should be respected.

*Resolved further*, That it is the wish of the assembly that all transactions made up to date in regard to friar lands in excess or in contravention of the limitations imposed on the sale of public lands be declared null and void unless they are subsequently approved of by the Philippine Legislature.

"DIOKNO."

So that, Mr. Speaker, if the bill we are discussing takes away from the Philippine Government certain rights and powers already conferred upon it by Congress, as the gentleman from Iowa believes, it is taking those rights not from the Filipino people, not from their representatives, the Philippine Assembly, but from the Philippine Commission; because the bill would merely write into law what the Philippine Assembly itself would have enacted if it had its own way in the Philippine Legislature.

By this bill Congress would merely concur with the assembly in passing an act that the commission refused to concur in. This leads to the conclusion that the advocates of this bill, instead of being inconsistent with their theory that the Filipino people are capable of governing themselves, as our opponents assert, are logical when they lend their support to this bill, because they are merely sustaining the views of the assembly on the grounds that the Filipinos know what is best for them and ought to be allowed to do what they think is best for them.

Mr. MARTIN of Colorado. Will the gentleman yield for a question?

Mr. QUEZON. I will.

Mr. MARTIN of Colorado. Do I understand the gentleman to say that the Philippine Assembly passed an act, in which the commission refused to concur, to affix the limitations of the public-land act to the friar lands?

Mr. QUEZON. Yes, sir.

Mr. MARTIN of Colorado. Was that done since the investigation in the Sixty-first Congress and the agitation over the sale of the Mindoro estate?

Mr. QUEZON. Yes, sir.

Mr. MARTIN of Colorado. I wish to ask the gentleman whether that fact harmonizes very well with the pretense that was made by the heads of the insular government in the friar-land investigation that the limitations in the friar-land act were removed by the Philippine Assembly with the full knowledge and understanding that it would permit the sale of these estates in bulk, and that it was done for that very purpose?

Mr. QUEZON. Certainly not.

#### A QUESTION OF PUBLIC POLICY INVOLVED.

But it is said, Mr. Speaker—and this is the contention of the Philippine Commission—that the disposition of the friar lands is merely a business proposition, and no great question of public



policy is therein involved; that the only thing to be considered is this: That, in round numbers, \$7,000,000 worth of bonds have been issued to purchase these lands, and the Philippine Government ought to be allowed to sell said lands in such manner, without restriction, as in its judgment will reimburse it the price of the bonds.

While those who support this view on this floor may honestly believe so, they are nevertheless wrong. If to recoup the money spent for the purchase of these lands is of such paramount importance, if the Philippine Government can not afford to lose one cent on this transaction, the Government ought not to have attempted to buy these lands. But it was not until lately that we heard such a contention made. Everybody knows that when the Philippine Commission pressed upon Congress the law for the purchase of these lands, it said that in the friar lands "a great question of public policy was involved, the most vital and important in the Philippines." The agrarian question was involved—the system of absentee landlordism to be eradicated. Let us see how much the "business proposition" was concerning President Taft, then Governor General of the Philippines, when testifying before the committees of the House and Senate. He said "that the injury rendered to the welfare and tranquillity of the Filipino people by the ownership of vast estates was demanding the purchase of the friar lands, if every cent paid for them by the Government was to be lost." These lands were not, therefore, bought as a business enterprise; they were not acquired with the object of making money out of the transaction, nor even with the hope of recovering it; but they were acquired, notwithstanding the fear that the Government might lose, if not all, at least a large part, of the amount spent in their purchase.

They were bought simply because the Philippine Government and the Filipino people had informed Congress that the concentration of vast areas of lands in the hands of a few concerns was detrimental and injurious to the community, and Congress, at their request, sought to remedy this serious evil.

To use the very language of the act authorizing the Philippine Government to purchase these lands—

The Government of the Philippine Islands is authorized to acquire, by the exercise of the right of eminent domain "any lands, easements, appurtenances, and hereditaments, which on the 13th day of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals, in such large tracts or parcels and in such manner as, in the opinion of the commission, injuriously to affect the peace and welfare of the people of the Philippine Islands."

The words quoted of section 64 of the organic act give a very plain idea of the cause for which the Philippine Government was authorized by Congress to purchase or acquire by the exercise of the right of eminent domain, the friar lands, to wit, that said lands were owned and held in such large tracts or parcels that it was injurious to the peace and welfare of the Filipino people. Now, to permit the sale of these same lands in the same large tracts as they were owned by the friars lays Congress open to the charge that it did not dispossess the friars of their lands because the ownership of vast estates was injurious to the people, but because it intended to turn these lands over to other concerns in unlimited quantities. (See report of Madison.)

THE FILIPINOS PREFER TO PAY THE BONDS THAN TO SELL THE FRIAR LANDS IN BULK.

We are told, Mr. Speaker, that to place the limitations provided for in the bill upon the sale of friar lands is to make these lands unsalable, thus imposing upon the Filipino people the burden of paying from the general taxation of the islands the bonds issued for the purchase of said lands, which Congress has no right to do. This argument should appeal to every Member of this House, and it would certainly have appealed to me if this view was taken by the Filipino people themselves. In other words, if the Filipino people were unwilling to pay from general taxation the proceeds of the bonds issued for the purchase of the friar lands, and the limitations that we are trying to place upon the sale of friar lands were to result in making these lands unsalable, it would be unjust thus to indirectly force the Filipinos to take from their pocket the money to pay the bonds. But such is not the case. I am authorized to say, Mr. Speaker, and standing here now I do say, that the Filipino people would rather pay from general taxation, and necessary from voluntary contributions, every cent that has been spent by the Philippine Government for the purchase of these lands than to see them sold to individuals or corporations for exploitation. [Applause.] And the reason for this, Mr. Speaker, if I am to express it in a few words, is to be found in the following paragraph, which I quote from one of the minority reports accompanying this bill:

We do not want vast landed estates created there. We do want a thrifty, hardy, land-owning body of citizens. Patriotism, thrift, and

love of country does not exist in the breast of the peon who resides on a great sugar plantation, but rather thrives in the heart of the man whose feet are firmly planted in his own land.

[Applause.]

Mr. JONES. Who signed that report?

Mr. QUEZON. The gentleman from Minnesota [Mr. DAVIS] and the gentleman from Wisconsin [Mr. MORSE].

No Filipino could have expressed in more beautiful, as well as emphatic and concise, language the consensus of the people of the islands as to the policy with regard to the disposition of their lands. The few million dollars that the Filipinos have to pay to take up the bonds issued for the purchase of the friar lands are of no consequence whatever as compared with the social evils resulting from the ownership of large tracts of lands in the Philippines. We would be merely spending a few million dollars to insure the existence in the Philippines of a thrifty, hardy, land-owning, patriotic body of citizens.

It is to be regretted that the Philippine Government, and by this I mean the Philippine Commission, in administering the friar lands, judging from what they have done and what they apparently pretend to do, have entirely lost sight of the real nature of the problem that they have at hand. If they only had in mind the purpose aimed at originally by themselves, and always by Congress and the Filipino people, in buying these friar lands, there would have been no congressional investigation of the interior department of the Philippines, and a great deal of the dissatisfaction and discontent among the people of the Philippines would have been avoided.

It is, I admit, a worthy ambition to save the Filipino people from having to pay the bonds issued for the purchase of the friar lands with the general funds of the islands by trying to sell these lands as speedily and on as profitable terms as possible, but the Philippine Commission, and particularly the secretary of the interior, have gone beyond their province in their desire to accomplish that end, and, what is worse, they have taken a course that, in my opinion, will be more harmful, if pursued, to the Filipino people than the evil they sought to avoid.

It is hard to conceive, Mr. Speaker, how there could be any doubt as to the wisdom of the bill before the House. Even supposing that the organic act failed to put upon the sale of friar lands the limitations imposed upon the sale of public lands, this bill ought to pass. As repeatedly said, this bill simply puts the friar lands, which are the property of the Philippine Government, on the same footing and treats these lands under the same conditions as the public lands, which are also Government lands. This bill merely frames a consistent policy to be applied alike to all kinds of Government lands, for there is no reason whatever for pursuing a certain course in one instance and different course in others. If the policy of preventing the ownership of immense tracts of land in the Philippines is a sound one, it should be enforced by the Government whenever it is within its power to do so to all lands of a like character. Congress has already decided that such a policy, in the case of public lands, is a wise and sane one; therefore it should be also applied to the friar lands. If, on the other hand, the ownership of friar lands in large tracts is not considered inimical to the public welfare, why should it be in the case of public lands?

CONGRESS MUST ACT.

The gentleman from Iowa [Mr. TOWNER] said that there is not a man on the floor of this House that would desire the exploitation of the Philippine Islands, and that this proposition can be considered as settled. If that is the case, and I hope it is, then there ought not to be exploitation of the friar lands any more than of the public lands.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. QUEZON. Yes, sir.

Mr. LONGWORTH. Does the gentleman's colleague take the position on this question that the gentleman does?

Mr. QUEZON. I would rather have him answer the question. I think he does.

But gentlemen say that to allow the sale in bulk of friar lands will not bring about the exploitation of the islands. This explains how gentlemen who are just as earnest as we are in preventing the exploitation of the islands are, however, against this bill and in favor of allowing the Philippine Government to sell the friar lands as it sees fit.

The real truth is, Mr. Speaker, that, while on the surface in discussing this bill the House seems to be considering only the advisability of allowing the Philippine Government to sell the friar lands in any quantity whatever, at the bottom, when you analyze the facts which have given birth to this bill, you will find that the House is now being called upon to either confirm its policy, so far pursued, of preventing the exploitation of the



Philippine Islands or reversing it. I do not mean to say that if you reject this bill, thus permitting the Philippine Government to proceed with the sale of the friar lands as heretofore made, that said government would consequently proceed to sell the public lands in the same way or manner; but I do mean that the rejection of this bill will have the effect of encouraging the Philippine Commission in its effort to extend to at least 15,000 acres the limitation upon the sale of public land. The gentleman from Wisconsin [Mr. COOPER] said a few moments ago that while he was chairman of the Committee on Insular Affairs the Chief of the Bureau of Insular Affairs, Gen. Edwards, tried his best to get the organic act amended so as to allow corporations as well as individuals to purchase larger tracts of land, not only of the so-called friar lands, but also of the public lands, than they can legally do now.

I may add to the statement of the gentleman from Wisconsin that I am aware of the fact that the same efforts have been made during the chairmanship of the Insular Committee of the distinguished gentleman from Pennsylvania [Mr. OLMSTED], and I betray no secret in making this statement, for the Bureau of Insular Affairs in so doing has only been endeavoring to accomplish what was recommended by the Philippine Commission in its official reports. It is a recorded fact that beginning not very long after the organic act was passed by Congress, the Philippine Commission has been persistently urging the amendment of the provisions of that act which imposed limitations upon the sale of public lands, and when they did not succeed they have—on the ground that it was within their province to amend the law with regard to the disposition of friar lands—repealed the limitations imposed on the sale of these lands. It is therefore a reasonable assumption that such action was merely the entering wedge to the intended general policy of selling all kinds of land in bulk. The significance of the bill now before the House is that, by its passage, Congress will reaffirm in an unmistakable manner its policy regarding the ownership of public lands in the Philippine Islands. It is absolutely necessary for Congress, through the passage of this bill, to inform the Bureau of Insular Affairs as well as the Philippine Commission, once and forever, that it is useless for them to try to amend the organic act so far as it concerns the sale of Government lands. [Applause.]

Thus you will reassert that Congress is fully alive to the responsibilities which have been thrust upon it as a guardian and trustee of the natural resources of the islands, and that it will allow nobody to exploit those resources under any pretext, for they are, under God, the natural inheritance of the Filipino people. [Applause.]

Mr. Speaker, I do not want to be understood as impugning the motives of the Philippine Commission or of the Bureau of Insular Affairs in trying to repeal the provisions limiting the sale of Government lands in the Philippine Islands. Far from me the idea that they purposely intend to allow the exploitation of the Philippines and to deprive the Filipino people of lands which will surely be needed by their posterity for homes and for farms. I do not believe that there is any member of the Philippine Commission, and less would I believe that my friend, Gen. Edwards—although he said that in case of war he would leave the Philippine Islands absolutely unprotected—I do not believe that they, or any of the officials connected with the Philippine administration, have the slightest desire of deliberately doing harm to my people; but I do believe that their policy is wrong and that if pursued, if not immediately, in the long run and perhaps at a not distant future, it will prove injurious to the welfare and prosperity of my country.

#### DANGERS OF THE SO-CALLED DEVELOPMENT.

Their views are that the sooner the natural resources of the Philippines are developed, the better for the Filipinos themselves; that the great need of the islands is capital, and that all possible means must be employed to bring into the islands large amounts of capital; and that one of these means is to permit the purchase, ownership, and holding of great land estates. Perhaps it is true that the land laws of the Philippines as enacted by Congress are preventing, or at least retarding, the development of the islands, but it is so hard to draw a line between development and exploitation that we can never tell, except from results, and then it would be too late, where development ends and exploitation begins. Everyone familiar with the operations of great corporations knows what they will do if they have a chance, especially when said corporations are engaged in developing sugar plantations or mines in a new country.

In the long run they monopolize the wealth of that country and deprive the large majority of the inhabitants of their just share of such wealth. This being so, the Filipinos would rather

keep on the statute books of the Philippines their present land laws than to permit, under the pretense of development, the concentration in a few hands of the resources of their country. The Filipinos are too far behind modernism in political economy to believe that a kind of development that will enrich the few at the expense of the many means the prosperity of the people at large. They are too backward in civilization to approve of the monopoly of their soil by powerful corporations.

Now, Mr. Speaker, I want to tell the American people through this Congress, and what I am about to say comes from the bottom of my heart, that the Filipinos are not opposed to American capital. In fact, we are not opposed to any capital coming into and properly developing the islands. We are not living in the fifteenth century, and therefore we do not want to isolate ourselves from the rest of mankind. We are living in the world of to-day, and we want to see our country prosper and develop. [Applause.] We welcome and invite the help of everybody. But we also want to guard ourselves from any danger of improper operation of capital. The peril is not a mere fancy, but experience in this and other countries shows that while capital is necessary for the prosperity of the people, it is also frequently productive of great evils if not properly controlled. The echo of the struggle in this country between the American people and the trusts has gone beyond the seas and reached the ear of the Filipino people. We have learned that, in spite of the fact that the American people are self-governing and that they elect the legislative, judicial, and executive branches of their Government, they have not as yet succeeded in throwing off the heavy yoke of great corporate capital. What, then, can the Filipinos hope for in the undoubtedly forthcoming struggle between them and these powerful corporations in the Philippines if these are given a free hand in their operations in the islands, considering the fact that the Filipinos have no control of their government, which is in the hands of an alien people?

In point of fact, Mr. Speaker, we do not have to exert our minds in guessing what would be the outcome of such a situation, for we have already some instances of it in the Philippines, and this even though our corporations are merely caricatures of trusts. The companies in Manila which own and operate the electric cars and electric light and telephone, which companies, by the way, are practically monopolies, because under the circumstances no other companies for years to come will be engaged in the same business, are giving service to the public as they please, and no attention whatever has ever been paid by the Government to the complaints of the people. It has been investigated by an expert and demonstrated beyond question that the electric-light company, for instance, is charging an outrageous price for the use of its current, and the authority of the Philippine Government to regulate the price has never been exercised against this company.

#### THE POLITICAL STATUS OF THE PHILIPPINES UNDETERMINED.

I come now, Mr. Speaker, to discuss a question which, by itself, would fully explain why the Filipino people are slow and why they want the Government to be slow in the attempt to bring into the Philippines American and other foreign capital.

The future of the Philippine Islands is still hanging in the balance; the morrow is as yet shadowed by the clouds of uncertainty. Twelve years of American occupation have not as yet answered the question constantly asked by the Filipinos with anxiety akin to prayer. What is there beyond the horizon? The policy of Congress with regard to the Philippines has been so far indefinite, noncommittal. From the very title of the act of July 1, 1902, which created the present Philippine Government we are informed that the government therein created is merely a temporary government, the title of the act being "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

Though leaders of the Republican Party, ex-President Roosevelt as well as President Taft and many others, have invariably stated that the ultimate purpose of the United States is to give the Philippines independence, and though the Democratic Party by its last three national platforms has committed itself to the policy of granting the Philippines independence as soon as a stable government has been established there, the fact is that every attempt to induce this Nation to express its policy authoritatively—that is to say, through Congress—has been of no avail so far. In spite of this seeming discrepancy between words and deeds, the Filipinos have, however, taken at their face value all these utterances. We have put our faith unqualifiedly in these declarations, and the support that this Government has been and is receiving from the Filipinos is due wholly to their conviction that the government they now have in the islands is



provisional, that it is merely temporary, and that the more enthusiastic support it receives from the people the sooner it will be substituted by a Philippine independent government.

While this mental process is going on in the minds of the Filipino people and no effort is being made from any authorized source in this country to correct that impression if it is wrong, there are many American officials in the Philippine Government and in the United States who, in their dealings with the islands and their people, are proceeding upon the theory that there is no real desire on the part of this Government ever to relinquish its control over the Philippines. Working under this, I hope, misapprehension, or perhaps deliberately trying to bring about a condition of affairs that will force this Government to retain the islands, these officials are endeavoring to do everything in their power which, in their opinion, will facilitate and insure the accomplishment of that end.

This, Mr. Speaker, explains satisfactorily the unyielding attitude of the Philippine Commission and of those who support its policy of inducing to come into the islands as much American capital as possible. They know that those in this country who invest their money in the Philippines in lands, in factories, in mines, or in any other enterprise will struggle and do their best to defeat any legislation purporting to recognize Philippine independence, not precisely because of their lack of confidence in the ability of the Filipino people to govern themselves and to protect the rights and properties established in the islands, but because their investments will be safer under the joint guaranty and protection of both the Philippine Government and the Government of the United States. Let me illustrate, Mr. Speaker: Suppose some one has a note indorsed by two multimillionaires, although either one of them, on his own responsibility, could at any time make good that note, do you believe that the creditor would release either of the indorsers on the ground that one is solvent? Certainly not. This would exactly be the position of the investors in the Philippines. Their investments, under the present arrangements, would be under the protection and guaranty of both the Philippine Government and the Government of the United States, which Governments are alike accountable for any injury or loss that they might suffer in their enterprise. Backing the Philippine Government there is at present the immensely wealthy Government of the United States. Do you believe, Mr. Speaker, that any one investor would ever, if he could prevent it, permit the United States to escape from its responsibility?

For this reason if we had now, or should we have, before any definite policy regarding the future connection between the Philippines and the United States is officially announced, many American capitalists interested in the Philippines, the inevitable result would be the permanent retention of the islands. In asserting this I do not for a moment, Mr. Speaker, question the honesty of the utterances made in this country by representative men, by men occupying very high positions in the Government, that the intention of the people of the United States, that the desire of Congress is to give the Filipinos their national freedom, but I do appreciate to its full extent the outcome of a situation, should it take place, when the 8,000,000 of the Filipino people on one side, without a single vote in Congress, without voice in the National Government of the United States, asking and urging their independence, are met on the other by the strenuous opposition of men in this country, powerful on account of their social position, powerful on account of their money, and having representation in all branches of the National Government. And those who are trying to induce American capital to come to the islands know better than I do what will be the result of such a struggle—the sure defeat of the holy aspiration of the Filipino people.

Now, Mr. Speaker, in order to avoid such a condition of affairs and Congress being thereby forced to do what it would otherwise not do, we want, before allowing anybody to become interested in any shape or manner in the development of the Philippines, to be informed as to whether or not the Philippines are forever going to be a colony of the United States, a State of the Union, or an independent and free nation. [Applause.]

It is not only due to the Filipino people, but it is also fair to the investor. It is due to the Filipino people because they are entitled to know their future; they are entitled to be informed what the ultimate fate of their country will be. It is fair to the investor, because he should know beforehand all the circumstances and conditions under which he is to invest his capital. Perhaps it is true, as some people have affirmed, that should the United States Congress declare that the Philippines will be free in a not distant future, such a declaration would postpone the development of the islands, because capital would not care to go where a new government is about to be

established. Mr. Speaker, I do not believe myself that such would be the case, but, if so, I am perfectly frank to say that, eager as the Filipinos are to see their country develop commercially and otherwise, they would rather wait, they would rather not have capital in the islands than, because of having it, see their freedom postponed. [Applause.]

Let it be understood, Mr. Speaker, so as to disabuse the mind of any candid person that we struggle for our liberty not precisely because we dislike, much less hate, American domination, no; but because we love Philippine independence. [Applause.]

#### STATEHOOD IMPOSSIBLE.

It is true that if the Philippines were to become one of the States of this wonderful Nation, as at one time was proposed by a political party in the Philippines, the Federal Party, this would confer upon the islands just as much freedom as is enjoyed by any other State of the Union, which is the climax of freedom; it is also true that American citizenship is a citizenship of which any man under heaven can be proud. But, Mr. Speaker, everybody on the floor of this House knows that such a thing as Philippine statehood is but a dream. Let alone that, because the Filipinos, considering themselves a people distinct from any other, constituting a nationality of their own, the idea appeal to them, the American people for its own sake will never of linking their destiny with that of any other country does not consider for one moment the proposition of admitting the Philippines as a State of this Union. Differences in race, customs, interests, and thousands of miles of water which separate both countries are insurmountable obstacles to Philippine statehood. The idea of making Americans out of the Filipinos should appear to any sane person as utterly impossible. This, perhaps, could only be accomplished, if at all, by the emigration to the islands of at least triple the number of Americans as there are Filipinos to-day, so that in the course of several generations the Filipino race and people would be absorbed by the Americans. But nature stands firmly against this course. While our country is so charming and so beautiful that to live and die therein is a blessing, and while there is room for at least forty million more inhabitants, our tropical sun is so inconsiderate of the white people that it will never permit the Americanization of the islands. The Tropics, Mr. Speaker, can not be and never will be the country of the white man.

This being the case, to make the Philippines a part of the Union as a State would mean to bring into the Union, forming an integral part of it, with the same rights and privileges as the other States, a country inhabited by a people who constitute by themselves a separate and distinct entity, entirely foreign to the people of the United States and having with them no community of interests. What would be the result of this unnatural adjustment?

To begin with, you would have on the floor of this House representatives of a country distinct and apart from your motherland; having interests, customs, and habits different from yours, who, by their number, would hold the balance of power as between the two political parties herein represented. Now, what would happen, Mr. Speaker? Look at the House of Commons in England to-day and you will find the answer there. The Filipino representatives would be more than the Irish in the House of Commons are now—the controlling factor in the United States Congress. They would have in their hands the power to defeat or to pass any legislation that you may consider vital to the Americans on the continent, and it is more than likely that they would pass or defeat such legislation, consulting primarily the interests of their own people at home. I do not think that these obvious facts are overlooked by American statesmanship, and therefore the American people will never permit the Philippines to become a State of the Union, and I do not blame them. While knowing the sense of justice of this Nation, and that you are a liberty-loving people, we believe that you recognize our right to govern ourselves, and that you will permit us to govern ourselves we are not so sanguine as to believe that you will ever acknowledge that we have a right to govern you, much less that you will ever permit us to govern you. [Laughter.]

#### FREEDOM BEFORE WEALTH.

The future of the Philippines, therefore, when you face the problem as it is, dismantled of all the oratorical words of "benevolent assimilation," "altruism," and the like, stands between these two alternatives:

Either it is to be permanently a "possession" of the United States, governed from without by a Government whose powers are not constrained by constitutional limitations, for the Supreme Court has already declared that your Government in the Philippines is above the Constitution; or to be divorced entirely and completely from the United States.



As between these two alternatives, Mr. Speaker, every patriotic Filipino will certainly decide for the independence of his country. If to be free we must keep the Philippines undeveloped, if to be free we must refuse to admit foreign capital into the islands, if to be free we must be poor and remain poor, we will unanimously and unhesitatingly prefer to be poor but free than to be rich, but subjects! [Applause.] I would be ashamed of my country, I would be ashamed of myself, if such was not the definite attitude of all the Filipinos in every walk of life. And every gentleman on the floor of this House who has in his veins American blood, who has inherited from his forefathers the love of freedom, who has learned in his boyhood from the lips of his mother that liberty is the most sacred right of human beings, has to admit that such attitude is the only right, dignified, and manly one. [Applause.] Therefore, even admitting that the land laws of the Philippines are retarding the development of the islands, even admitting that the sale of friar or public lands in bulk is a wise and beneficial policy for the Filipinos—which I most emphatically deny—we would still insist that such a policy should not be adopted by Congress until a bill granting immediate independence or promising a speedy and early independence to the Philippines is passed.

To summarize, Mr. Speaker, I say the Filipinos do not want to sell the friar lands in tracts larger than 40 acres to an individual and 2,500 acres to corporations, because they oppose the exploitation of the islands as injurious to the welfare, happiness, and prosperity of the people at large, and because they do not want to sell for any amount of money the freedom and independence of their country, which to them means everything and for which they are so ardently striving. [Loud applause.]

Mr. OLMSTED. Before the gentleman takes his seat will he yield to me for a question?

Mr. QUEZON. Yes, sir.

Mr. OLMSTED. If I remember correctly, the gentleman made an argument before the Committee on Insular Affairs last year to the effect that under the organic law, the act of Congress of 1902, none of the public lands in the Philippine Islands can be sold to anyone except citizens of the Philippine Islands?

Mr. QUEZON. Yes.

Mr. OLMSTED. That is the gentleman's view?

Mr. QUEZON. I think that it is the letter and the spirit of the law.

Mr. OLMSTED. Would the gentleman be willing to have this bill amended so that the citizens of the United States could purchase the public lands?

Mr. QUEZON. Personally I would have no objection to it, provided the citizens of the United States shall be affected by the limitations of the organic act as to area. Is that what the gentleman means?

Mr. OLMSTED. Yes.

Mr. QUEZON. Under the leave granted to me by the House to print I insert as a part of my remarks an ably written article on "neutralization" by a very well-informed gentleman, Mr. Erving Winslow, of Boston, secretary of the Anti-Imperialist League, who has made a special study on the subject.

The timeliness of this article lies in the fact that there is pending before the House a resolution, favorably reported by the Insular Committee, requesting the President of the United States to enter into negotiations with the powers for the neutralization of the Philippines, as a means of protecting the islands after they shall have been granted national independence.

#### NEUTRALIZATION AMERICA'S OPPORTUNITY.

"Neutralization as 'the true road to a perpetual peace' (Whewell) deserves a far more general and serious consideration than it has received. It is not known that any report has been made upon the subject by the Berne Bureau International Permanent de la Paix, to which it was referred by the Peace Congress of 1904, and the doctrine has found comparatively few advocates, in spite of the fact that it contains an appeal not only to the common sense but to the imagination of mankind, while it has actually been most successfully applied for a long period of time in some notable instances. Had public opinion caused the powers within recent years to accept the doctrine it might have been beneficently applied to Egypt, Korea, the Balkan States, Persia, and various weaker peoples, whose nationality has been destroyed by arrangements made in trades and acquiesced in by the greater nations to satisfy greed and ambition or to preserve the balance of power.

"Neutralization of nations by their own act and by treaty between the great powers means the establishment, not of methods to bring about peace, but of peace itself, the beginning of a genuine crystallizing process, self-expanding and progressive. Arbitration assumes difficulties which may lead to war. It

may be sought or, in many specific cases, avoided at will. Neutralization implies the noble abandonment of that sovereign right which permits of war. Its authority is the pledge of the nations, guaranteed by enlightened public sentiment.

"Neutrality is the creation of the world of Christianity. For the word neutrality the Latin and the Greek have no equivalent. The heathen nations knew nothing but the inveterate exercise of an all-embracing warfare. The idea of limiting the horrors of war to the contending forces by the abstention of neutrals was the product of the new life that was developed by the Renaissance. The statesmen and the lawyers of that time invented for the characterization of the new principle 'neutrality' and 'neutralitas,' linguistic barbarisms, interesting because they prove its novelty. Even in Machiavelli's day the precept of the Florentine seems to have been generally accepted, that a State should never be neutral, because, as he argued, in case the combatants were strong the neutral would become a prey of the conqueror, and in case they were weak the neutral would forego the opportunity to dominate its victorious ally.

"Neutrality was hardly touched upon by the earlier writers on international law. Wheaton recognizes two types of neutrality—the first, 'perfect neutrality,' which arises from the spontaneous attitude of the neutral state itself. This attitude is supposed to be controlled by international law, of which it may be noted that it is yet in such a formative state that the question has been propounded seriously whether it can properly be called law at all, having no authority to enforce its edicts and no appropriate punishments to inflict. Some writers on the subject have rested the claim for its inclusion in jurisprudence not upon the expositions of the science, but upon the definition of the author of the Ecclesiastical Polity, the 'judicious' Hooker, that law is 'any rule or canon whereby actions are framed.' It is obviously proper enough to introduce moral and philosophical considerations, therefore, into its discussions, and they are certainly pertinent to 'imperfect, qualified, or conventional neutrality,' which is the result of treaty agreement between the powers—constituting the act of neutralization—wholly beyond the operation of international judicature, if such there were. This kind of neutrality has as yet received but little expert attention. One critic asserts, indeed, that Wheaton's classification—in which Halleck follows him—can not be maintained, because the condition described in the second division might imply an agreement of the neutralized state, made before the outbreak of war, to do something inimical to one of the belligerents. Of course, Wheaton's 'conventionally neutralized' state could never be supposed to contract obligations in time of peace inconsistent with its peculiar duties in time of war, to refrain from such obligations being an essential quality of neutralization.

"Permanent neutrality is an idea of our own times, recognized first at the Congress of Vienna, in 1815. There are, indeed, a few instances of earlier and unsuccessful attempts at its application. The first was a secret article in the treaty of July 25, 1791, between Leopold II and the King of Prussia, by which Russia was invited to join in an agreement to maintain the boundaries and free constitution of Poland. This treaty, amounting merely to a recognition of the independence of the Polish State and providing in no way for its neutrality, disappeared in a subsequent agreement for the second partition. The general recess of the German Empire, following the peace of Luneville, accorded 'perpetual neutrality' to six free and independent cities—Augsburg, Lubeck, Nuremberg, Frankfurt, Bremen, and Hamburg—'so long as they shall remain members of the Empire and refrain from such hostilities as the Holy Empire might undertake in the future.' Neither of these attempts can be considered examples of true neutralization.

"The first use of the term in a treaty between several States occurs in the treaty of Amiens, in 1802, between France and her allies and England, with regard to the neutralization of Malta, which never received the ratification of the powers and is therefore only important as an expression on the part of European nations of the value and true nature of perpetual neutrality in removing territories forever from the realm of war through the means of international agreement.

"The terminology of the subject has been uncertain even in state papers and treaties, so that in the popular mind there is much confusion, the doctrine of neutrality having been even extended to cover the immunity conferred upon military hospitals, ambulances, and Red Cross representatives, now more popularly characterized as 'inviolability.'

"The name of neutralization has been loosely applied to the agreement made between the United States and Great Britain in 1817, to maintain a merely nominal force on the Great Lakes, and it seems inaccurate to apply the term to arrangements for the abstention from fortifying highways of commerce. The



assent of the great powers of Europe, and of the United States perhaps, since the Geneva conference, without protest from the smaller States, is essential to the neutralization of territory. It is this neutralization which seems the only measure that offers itself with an absolute and reasonable hope of a really solid and permanent peace.

"The development of individual liberty within the State follows the settlement of public order. With a similar progression the individual nation now seeks for the first time the opportunity for itself which may be obtained through the established comity of nations. Hitherto the neutralization of a State has been established not primarily for its own advantage, but for the safety and for the benefit of its more powerful neighbors.

"Such was the motive for Swiss neutralization. By the treaty of Paris, May 30, 1814, the limits of France were reestablished virtually as they had existed in 1792. By a separate and secret article of this treaty the disposal of the territories renounced by France in the open treaty and the conditions tending to produce a system of real and durable equilibrium in Europe were to be decided upon by the allied powers among themselves. Thus, while the treaty of Paris was made between France, Great Britain, Russia, Prussia, and Austria, the pacificatory and restorative measures were confided to the allied four great powers; France was to have no vote in the congress, which was convened by these powers in conformity with the secret article of the Paris treaty. But when it assembled at Vienna, November 1, 1814, the adroit audacity of Talleyrand and the disagreement of the allies secured for France a prominent position of influence. Eight powers actually composed the congress—Great Britain, Russia, Austria, Prussia, France, Spain, Portugal, and Sweden. Russia's claims upon Poland created a disagreement among the powers, as did the claims of Prussia upon a part of the same territory and upon the Rhine Provinces. But the final act, which Spain alone refused to sign, was agreed upon June 9, 1815. The relations of Switzerland were determined by a declaration of the powers forming the congress, dated March 20, 1815, by the act of accession of the cantons of the same date, and by the final act. Switzerland by these acts and declarations was to take the relation of perpetual neutrality, and (in order to secure this end the better) a treaty with the King of Sardinia, of May 15, 1815, provided that the Provinces of Chablais and Faucigny south of Lake Lemán and all of Savoy north of the Ughes were to hold the same neutral attitude. Thus Switzerland, Chablais, and Faucigny, and all Savoy north of the Ughes were made neutral. This position of Switzerland, so constituted in 1815 for the sake of the peace of Europe, has never been changed, and the other powers have always respected its neutrality.

"Holland and Belgium were united by the congress. They were disrupted in 1830, and by the treaty of London, April 19, 1839, between Holland and the five great powers—Great Britain, Russia, France, Austria, and Prussia—the Kingdom of Belgium was formed and the condition of perpetual neutrality imposed upon it. This condition was established in order that the Kingdom might be a barrier between the rivals, France and Germany. Its integrity has been preserved. It was threatened, indeed, during the Franco-Prussian War in 1870, when Great Britain immediately concluded two conventions—one between herself, Belgium, and Prussia, and another between herself, Belgium, and France—the conditions of which were that if France violated the integrity or neutrality of Belgium, Great Britain would join her forces to those of Prussia and, *mutatis mutandis*, that if Prussia were the aggressor Great Britain would ally herself to France.

"The Dutch United Provinces, with the larger part of the Austrian Netherlands, were constituted into a Kingdom of the Netherlands, under the Prince of Orange Nassau, including the Grand Duchy of Luxembourg and a part of the Duchy of Bouillon. The Grand Duchy of Luxembourg was added to Holland as an independent state, becoming a member of the German Confederation, and its boundaries, established at Vienna, were changed by the act annexed to the treaty of April 19, 1839. A part of the old territory of Luxembourg was taken from the Kingdom of the Netherlands and annexed to the Duchy of Limburg. After the disruption of the German Confederation in 1866, Luxembourg was garrisoned by Prussian troops. But owing to the remonstrances of France the matter was brought before a conference of the powers in London, and by treaty of May 11, 1867, between Great Britain, Austria, Belgium, France, Italy, the Netherlands, Prussia, and Russia, the status quo ante of the Grand Duchy of Luxembourg was restored and it was made an open city (*ville ouverte*), while all the parties to the treaty agreed to respect its neutrality. Luxembourg, on her part, agreed to disarm and dismantle the frontier forts and all others

within her boundaries—the provision of neutrality rendering them unnecessary. The city of Luxembourg was to cease being a fortified city, the Grand Duke of Luxembourg, however, being permitted to keep a stated body of troops for the police protection of his own subjects. Prussia agreed to withdraw all troops that had previously been maintained within the boundaries of Luxembourg. The Grand Duke of Luxembourg was to take all necessary steps, by virtue of his position as grand duke, to carry into effect the provisions of the treaty, and to convert the city of Luxembourg from an armed to an open city. In 1870, during the Franco-Prussian war, Prussia complained that France had violated the neutrality of Luxembourg. This caused much discussion and correspondence; the treaty of neutralization was not, however, disavowed by Prussia. Since that time the neutrality of Luxembourg has been respected by all the powers.

"It is doubtful whether the two Ionian islands, Corfu and Paxo, which were neutralized by the great powers when the group was transferred to Greece, in 1864, are otherwise safeguarded than by the obligations assumed by the King of Greece.

"The city of Cracow and its territory were made a neutral State by the Congress of Vienna, in 1815, under the joint protection of Russia, Prussia, and Austria; but it was claimed that the failure of Cracow to fulfill the obligations assumed by her—not to afford an asylum to fugitives from justice, or military deserters—vitiated the conditions of the agreement, and the city lost her liberty in 1846.

"Neutralization is not demanded to-day for the protection of the great powers from belligerent operations. The smaller and weaker States are demanding for themselves the privileges of neutralization, with the consequent relief from the dangers of aggression, intimidation, or annexation, and from the heavy burdens of militarism. In our time these privileges and their guaranty are coming to be recognized as an individual and personal right of the State. Norway has secured for herself a partial, and would desire a general, neutralization. The subject is being agitated in Holland. Many publicists in Denmark promote the effort for the neutralization of that Kingdom, which has been so ably advocated in particular by F. de Martens; and a movement was made in Santo Domingo to instruct its delegates to urge its neutralization upon The Hague. The neutralization of the Suez Canal was effected by the international convention of 1888; but the Panama Canal, though declared neutral in perpetuity by the treaty between Panama and the United States, of November 18, 1903, in conformity with the terms of the treaty between the United States and Great Britain, November 18, 1901, is to be fortified, according to a right reserved in the United States-Panama treaty for "the protection of neutrality." This fact, together with the semi-official assertion now made that the construction of the canal was a military measure, removes this undertaking, it is sad to state, from the category of peace measures through the promotion of international commerce, in which it was at first hopefully classed. It is a striking fact that the crises which have threatened the neutrality of Switzerland and Belgium have been averted in a manner which would inevitably suggest the intervention of a special Providence to one class of minds and to another furnish convincing evidence that neutralization is not a weakness but emphasizes the strength and permanency of peace.

"The greater the number of neutralized States the more remote in a geometrical ratio become the possibilities of war. The neutralized State itself renounces all idea of international contests. It exists essentially for the moral and commercial progress of its inhabitants. Such a State will be a strong advocate of disarmament and of arbitration. Of course, the people of such States must put behind them those doctrines which it was supposed that the world, and the United States in particular, had well outgrown—that war and the preparations for war are essential to manly vigor, and that when the sword is turned into the plowshare mankind will necessarily become a race of effeminate weaklings.

"The neutralized State is excluded from such sovereign functions only as concern war making and its attributes, or which may in any way compromise the position established by international law as essential to neutrality. The surrender of these functions has no meaning to the weaker States, whose reception of the great gift involves only a technical sacrifice of national dignity.

"It is exceedingly important to make a careful discrimination between protectorates and neutralization, or between limited neutralization of provinces and that of an entire country, in view of many vague discussions of this subject which have exhibited a limited grasp of its true character. It is very common to quote the failure of the protectorate over Samoa as a warning against the association of powers to neutralize terri-



tory, and the lapsing of a joint Egyptian protectorate is likewise sometimes quoted to the same effect. But as no State can be neutralized by its own ipse dixit, neither can the condition be created by action of two or three nations. As a matter of fact, such a joint protectorate is less stable, and therefore further removed from the equilibrium established by general consent, than the protectorate of a single nation by tacit consent of the other powers. The opportunity for jealousies and misunderstandings is so obvious that practical experience was hardly needed to demonstrate it, and, of course, the 'protected' nation is unlikely to have any proper opportunity to develop its own powers as an independent State. It is universal consent which is the essential element of true neutralization.

"The limited or provincial neutralization of a part of the territory of a State is likewise anomalous, and its non-success furnishes no argument against the fulfillment of the true ideal. The acquisition of Savoy by France in 1860, ratified by a plebiscite, broke that Province away from the neutralized territories of Switzerland, of which it formed a part by the Vienna and Paris treaties of 1815; and although the French Government recognized that some limitations upon the rights of sovereignty still restrained Savoy by assenting to Switzerland's remonstrance against fortifications of the frontier, the guaranty of neutralization has not been maintained by the treaty powers.

"An important consideration, of course, is that a weak neutralized State may be unable to fulfill the responsibilities which are ordinarily attached to the position, notably to prevent a belligerent from using its lands or harbors or from making them a basis of hostile operations. In the method suggested, of converting the weaker nations into neutralized States, we must revert to the basis of what Whewell calls 'international jus' rather than to any existing code of laws. It must be assumed that the State, being divested of all means of forcible resistance, as is implied by her amicable attitude, is unable to resist such violations of her territory. It would not ordinarily be desirable that one great nation, by individual action, should intervene to control both belligerents, as Great Britain did in the case of Belgium, previously mentioned, for the association of the neutralizing powers implies that though two or more might be engaged in war they are all enlisted to preserve the sanctity of the contract, irrevocable except by general consent, to maintain inviolate, as against any one or any group of them, the neutralized territory. The establishment of this attitude implies a permanent comity of nations to maintain the peace, at least in neutralized territories.

"As in the limit as to time afforded by the truce of God, or like that which was vainly attempted by the Vatican to give pause to the impending war between the United States and Spain, so the limit placed by territorial lines must exercise an important influence upon the forces which make for war. If the whole movement toward the establishment of international law is based upon the progress of humane and moral ideas, it is no mere chimerical aspiration to regard as hopefully possible the largest increase of its sanctions in this direction. Every year in which the great powers stand associated, even though prompted at first by mutual jealousies, as sponsors for the peace of portions of the world's territory, the more firmly established is the precedent, crystallizing into a rule of international law, that a State once neutralized must so remain. That the great powers, whatever temporary disturbances may arise between some of them, would all stand together for the guaranty established by them all in perpetuity thus becomes more and more probable. It is easy to see what an important influence may be exerted upon war-like motives by this underlying and common pledge of a protected peace, growing deeper and stronger as the spheres in which it prevails become larger and more numerous. That objections by neighboring States, and perhaps in other quarters, may be raised to the neutralization of territory is conceded, but it is perfectly obvious that these objections have proceeded from selfish and narrow motives and may disappear with a larger political consciousness which looks to the reign of peace and of law.

"The most interesting aspect of neutralization, however, is its application to the undeveloped nations, the people of the East and of the tropical countries. National consciousness is awakening through the general progress of enlightenment, and especially under the impulse which has followed the entrance of Japan among the world powers. In the Philippine Islands we are daily fostering it by an extensive educational system. The movements and the demands of commerce and industry in the present conditions are inflicting heavy and still heavier burdens upon the dependent peoples, whose interests are often ruthlessly sacrificed to the requirements of exploitation. It is diffi-

cult to believe that this growing national consciousness and the desires and ambitions which accompany it will long be content with control by any sort of foreign rule.

"Is it not the part of those who make a study of international law to anticipate and to provide for that extension of it which may furnish some orderly and methodical system for the transition of possessions, dependencies, and some of the colonies to the self-governing attitude which, before long, will be claimed by those now living under more or less enforced tutelage? One eminent authority, Sir Thomas Barclay, in his recent valuable monograph, 'Problems of international practice and diplomacy,' observes:

"Might it not become a principle in the public law of Europe, following more or less on the lines of Articles X, XI, and XII of the general act of Berlin of February 28, 1885, that any nation or self-governing colony shall be enabled, on fulfilling certain conditions, to claim neutralization?

"Sir Thomas Barclay even provides a scheme for 'a form of agreement as to the proclamation of neutralization.'

"A famous divine, whose interpretations of Christian principles seem to be based on the assumption that the Scripture text that their fruit 'is not peace but a sword' was a statement of justifiable action instead of a prophetic warning, has summed up the matter as follows: He asserts that the 'civilized' peoples, who are alone fitted to develop and expand the resources of nature, are the 'ox' which is entitled to the manger and to its contents, and from these the heathen 'dog,' if he is in the way, should be forced to retire. Unfortunately, these 'civilized' people of the Temperate Zones, although able to plan methods of administration and development, are unable themselves to perform the manual labor demanded, which, even if it were not climatically impossible for them, would be altogether too expensive. Thus, in the pressure for rapid development, the native inhabitant must either perform the necessary labor at the price which permits a profit to his 'benefactor,' as it is customary to call his owner, or he must go to the wall. The alternative is, of course, that the peon or the coolie is imported to perform the work demanded.

"Much has been said of the excellent administration of Siam and the Straits Settlements. Yet it is the fact that by imported labor the natives are almost completely shut out from industrial opportunity. In South Africa this menace has aroused remonstrances which have moved the British Government to efforts to restrain the introduction of foreign labor at the expiration of engagements already entered into. Jealous as the great nations and their colonies are of the entrance into their territories of such labor as the Chinese and other alien races supply, even rigidly excluding, as is done by the United States, the entrance of any form of it under contract, the weaker peoples have been subjected to the competition of imported labor almost without restraint. We should prepare for the day when the ægis of international law may be so extended as to protect, as their protest makes itself heard, the nations who are suffering in a manner that must otherwise lead to their final extinction.

"It is true that some generous and voluntary guidance might be beneficial and might even be sought by the weaker peoples in their national evolution. But this should be given beyond the sphere of international law, whose function is to protect them from and prevent that kind of interference which tends to crush the national life. Before the establishment of those maxims and rules which have developed with the growing comity of nations, the stronger was free to conquer the weaker, to destroy its property and to slaughter its people. While recognizing the advance toward a better day, is there such an advance in the actual state of the relations between the more powerful and the weaker, under the guise of a benevolent trusteeship, as might have been anticipated? We are fully aware, to be sure, that the scientific process of evolution which demands the survival of the fittest might seem to be retarded by an effort to strengthen and support the feeble among the nations. Who shall decide that any race of men has no capacity to use, no value in the scheme of the universe? While progressive philanthropy and all the beneficent influences which are commonly denominated Christian, and the institutions of jurisprudence themselves, do not hesitate to defy the scientific theory in the case of the feeble individual, its dictum is not likely to hinder the growing demand for a similarly benevolent treatment of the affairs of feeble nations.

"Neutralization would recognize the individual right of the nationality to its own existence and to its own progress, though that progress might be less rapid than expected by the civilized world, and certainly much slower than would be desired by the greed of the exploiter. It is for the law of nations, like the ordinary laws of society, to recognize, to respect, and to secure individual liberty. Slavery only knows no law. The



whole theory which has prevailed under the name of trusteeship implies the assumption that the beneficent influences of civilization could be extended only through the form of ownership, without which no moral, social, and commercial influences would exert any considerable effect. With such an object lesson as Japan before its eyes, the world can hardly deny that the growth and development of self-government is possible without ownership, guardianship, or protectorate. Had Admiral Dewey sailed away from the Philippine Islands as Commodore Perry sailed away from Japan another national life in the East, with a proper security, might have grown well toward an acknowledged maturity.

"Of course it is not to be expected that the land hunger of the more densely populated countries will soon be removed by an outflow of emigration to independent countries or that the great nations will very willingly part with their colonies and possessions. But may not a time come when there will be recognized the freedom of individuals to go to places where their labor is needed and where they can be assimilated, subject only to the control of their hosts, the natural owners of the soil? National barriers are not a hindrance to the free movements of persons, as they are to the exchange of articles of commerce, and the recognition of the rights of humanity beyond the limits of nationality will really tend to strengthen rather than to weaken the nations. The experience of the world has proved that, though colonial enterprise may have been profitable to a few individuals and a limited number of interests, it has often been prejudicial rather than advantageous to the parent country. Friendly alliance and free commercial intercourse are of mutual benefit, and the phlebotomy of emigration has relieved the nation which is suffering from the plethora of a congested population, while it has assisted and stimulated the development of sparsely settled states.

"It is obvious that the unrest which manifests itself in the subject State, however diplomatically it may be met, is unlikely to be allayed. The demands of Egypt, of India, and of South Africa are sure to become more and more insistent. In fact, the ruling State, even if not forced to relinquish its control through sheer financial and physical inability, will probably be obliged, sooner or later, to conform to the growing sense of justice among its own people and to take measures to set adrift its ambitious dependency. The new school of thought in England is recognizing the possibility of ultimately freeing its subject peoples and the duty of giving them now larger and larger measures of local self-government. When the time comes for their graduation into the ranks of self-governing nations, since they can not have sufficient strength for defense, obviously the parent nation could hardly fail to see that they were given proper protection. How could this be so adequately effected as by a request to the other powers that they should join with it in the establishment of a permanent neutralization for the new States? Of course this does not imply a severance from the world at large in those ways in which the interests of commerce, missionary zeal, the spirit of humanity, and international brotherhood exert themselves, without regard to definitions of sovereignty. It may be conceded that it is as true of philanthropy and Christianity as it is of trade—that they do not 'follow the flag.'

"Individual service would not be wanting where it was needed, like that which Gordon gave in China and which has been rendered to many another nation by less well-known lovers of their kind, neither for greed, ambition, nor love of power. The brotherly love, such as Stevenson manifested for his Samoans, would never be found wanting though the clamors of selfishness were silent when the need for help made itself heard. Are we to suppose that all the beneficent influences that are now being exerted in the Philippines, for instance, are being done for pay or from national pride—that Bishop Brent and all his fellow workers would cease their efforts if the Philippine Islands were to be made a neutralized State? From the evidence given by the inhabitants during the period of the government at Malolos it is obvious that eagerness for such help was latent there and that it was eagerly welcomed and supported. It can not be forgotten that officers captured from our Army during the war of defense conducted against the United States by the Filipinos were paroled and hired to teach in the native schools.

"The basis of the idea of neutralization as applied to the weaker peoples, of course, rests upon a confidence in self-development and is a direct outcome of true democratic principles. It is to be believed that in spite of temporary curves downward, these principles are, on the whole, making a continued upward progress. It is undoubtedly true, as has been said, that, waiving its effect upon the native inhabitants of the soil, material progress is more rapidly stimulated by the sovereignty of the more developed nations. An indefinite rapidity of development is,

however, not altogether desirable, as is evidenced by the recurrence of the financial and commercial crises which we call panics. Fostered by artificial trade regulations and the ingenuity of great financiers and captains of industry, feverish periods of speculative activity are followed by the cold fit in which the patient shudders in despair, and a great recession takes place from the overhasty advance. The lesson which the world is gradually learning from the results of intense and hasty greed, far overpassing the benefits which its enterprises are supposed to bestow, would be reenforced by the example of independent States pursuing their course under methods which lack the intemperate fervor of western exploitation. It is undoubtedly true that the people of the tropical countries, unaffected by the influence and example of the energetic residents of the Temperate Zone, might have rested content with their easy opportunities for procuring the simple necessities of life.

"If peoples thus conditioned were to have been allowed at a remote period to enter the family of nations by such a process as neutralization, they might have remained satisfied with the exchange of such natural products as their lands afforded for the few articles required to supply their needs, manufactured by people of a higher development. But as the matter presents itself to-day, contact with the world has planted the seeds of ambition among these peoples. Their needs and their desires are increasing with the growth of national consciousness and their movement toward independence. Such countries of their own initiation could never supply the field or offer an opportunity for large manufacturing enterprises, and there would therefore be no inducement for them to erect tariff walls. The effect upon the equilibrium of trade would be indisputably excellent, a natural export consisting of local products and an import to a moderately increasing degree of the products of manufacture required by the growing wants of an advancing civilization.

"We have in the United States some continuing faith in what is called the Monroe doctrine, which, from whatever motive it was established, is supposed to secure for the States of the South American Continent conditions which may in a sense be called those of neutralization. But besides the fact that the intrusion of the United States into the Eastern Hemisphere has undermined the foundations of the doctrine in the view of many authorities on international law, no assertion of such guaranty as the Monroe doctrine is supposed to furnish should be made by any single State. This guaranty by a single State can not be viewed as a world-peace measure. In fact, it may easily be provocative of war. The great rival powers, each maintaining that it alone is the true arbiter of peace and that its sovereign will should be the supreme arbiter in cases of territorial differences and dispute, are competing to lead in military and especially in naval strength. The United States it is now claimed has not only to maintain a navy sufficient to defend its possessions in the other hemisphere, but to guard against aggressions upon its own home territory and upon the whole South American Continent. But with neutralized territory no longer cause of difference or dispute, the naval forces would be released or could be converted to police duty. In the ideal conditions of international law and practice a small 'union navy' of this sort would be the substitute for the futile and wasteful expenditures of our menacing naval armaments.

"It is possible, of course, that a neutralized nation might fail to develop any kind of orderly government for a long time, that there might be violence and bloodshed, and that the government established more or less permanently might be an oligarchy or a despotism. The free will of nations is as respectable as the free will of individuals. We do not attempt to restrain the liberty of the individual, even though we think he might be governed much better by others than he is able to govern himself, unless he interferes with others' rights and liberties. Neutralization recognizes the free individuality of the State and that its affairs should not be directly controlled by foreign nations or indirectly controlled by them, as is the case when the burden of militarism is laid upon it by its liability to attack. The present situation may be not inaptly compared to that which would exist if the protection of the law exerted by common consent were removed and the weaker individual, who could not protect himself by his fists, were forced to go about armed to the teeth to defend himself from possible assaults upon his person.

"No discussion in the United States of the subject of neutralization can be made without recalling the fact that at the first participation of this country in the councils for the great powers Mr. John A. Kasson, in her behalf, at the Berlin West African Congress, urged the neutralization of the territories comprising the conventional basin of the Kongo. The congress, although



deeply impressed by Mr. Kasson's arguments, refused to enter into a compact which might, in case of war, deprive the belligerent of the means of attack, although a recommendation was adopted that the parties which might be concerned in a future act of war should establish and respect the neutrality of these territories.

"Many publicists have suggested the plan of neutralization to be applied to the Philippine Islands when the independence which is contemplated for them shall come to pass. When this independence is granted, it will be necessary in some sort to provide for the undisturbed preservation of the national life. The idea of neutralization was propounded by James G. Blaine more than a quarter of a century ago, when in 1881 he made this statement in behalf of the Government of the United States:

"It firmly believes that the position of the Hawaiian Islands as the key to the domain of the American Pacific demands their benevolent neutrality, to which end it will earnestly cooperate with the native Government.

"And it was only as an alternative that the astute statesman added that—

"If through any cause the maintenance of such a position of benevolent neutrality should be found by Hawaii to be impracticable, this Government would then unhesitatingly meet the altered situation by seeking an avowedly American solution for the grave issues presented.

"Had the perpetual neutralization of the Sandwich Islands been established by the consent of all the great powers, the first step might not have been taken in a direction which is still regarded very much as it was regarded when Mr. Fish wrote, in 1873:

"The acquisition of territory beyond the sea, outside the present confines of the United States, meets the opposition of many discreet men who have more or less influence in our councils.

"Mr. Edwin Burritt Smith, many years ago, in the early days of their struggle for independence, urged the neutralization of the Philippine Islands. At a later date, Mr. John Foreman, who has made many valuable contributions to the discussions of Philippine affairs, declared that if, when she—

"destroyed the protecting power of Spain in the Philippine Islands, the United States had practically said to the Filipinos: 'You are henceforth a free people; work out your own destiny; for no nation which has become great was ever made; it made itself. We will from this moment endeavor to persuade all the great powers to join us in declaring your independence and neutrality'—if that had been America's attitude, then the world would have hailed such unprecedented mutual self-abnegation, and the powers might probably have agreed to America's proposal.

"In an able argument before the Committee on Insular Affairs of the House of Representatives, April 6, 1906, in support of a joint resolution introduced by the Hon. Samuel W. McCall in the House, January 4, 1906, Mr. Moorfield Storey said:

"That it is feasible to obtain such an agreement for neutralization is, I think, hardly doubtful. In the first place, if we ask the powers of the world to make this agreement with us, we are not asking them to give us anything. The Philippine Islands in their eyes now belong to us. They are not subjects for foreign aggression. To interfere with them means war with us, and that is what no foreign power is at present seeking. Therefore, when we ask them to agree, that we decide that it is proper to give the Filipinos their independence, they will keep their hands off. We are asking them to give nothing. The request, if made now, is made at a peculiarly favorable time. There never was in the history of the world a time when the friendship of the United States was so much desired by everybody as it is at this moment. There are many of us who come down from a former generation who remember the time during the Civil War when the relations between this country and England, this country and France, this country and Germany were strained; when we felt that we were constantly living under the shadow of their interference in our affairs; when the greatest service that could be rendered was to persuade them to keep their hands off; and the feeling in this country against those nations was extremely bitter. But to-day Japan certainly wishes to cooperate with us, and she recognizes the friendship that we have shown her in the recent war with Russia. Russia would be anxious to be our friend if possible, and a reformed Russia will find us warmly her friend. Germany has shown her desire to be friendly with us by her recent action about the tariff. France and England are certainly each anxious to preserve their present relations with us; and if this country were to ask them simply to make this agreement, I am perfectly certain that there would be no objection. If we said that we wanted this thing we should get it.

"A citation may well be made from an able address delivered by the Hon. Albert E. Pillsbury, formerly attorney general of Massachusetts, at a meeting held in Faneuil Hall, Boston, a few years ago to discuss the subject of the neutralization of the Philippine Islands:

"The proposed neutralization means that the United States shall invite the principal powers to join with it in a treaty agreement, setting the islands apart from conquest and binding the inhabitants to abstain from offensive warfare, with a recognition and, if the usual practice is followed, a guaranty by the contracting powers of their independence whenever conceded by the United States. In short, neutralization means that the islands shall not molest nor be molested by any other power, and that the nations will recognize and protect their independence whenever they are made independent.

"\* \* \* The great merit of neutralization appealing alike to people of all views upon the Philippine policy, is that it clears the path of the most formidable difficulties in the way of working out, to

whatever result, the problem that confronts us there. Some advantages at once to be gained by it are apparent at a glance. It permanently removes the islands from the theater of war—a sufficient end in itself, if there were no other. It thus relieves the United States from maintaining a great naval and military establishment in order to be prepared at all times for their defense. It avoids the first and chief objection always urged against independence—that, if given their freedom, the islands will at once fall a prey to some foreign power or powers.

"Public opinion as expressed to-day in Congress is supporting the declaration long ago made by executive officials of the United States of our purpose to prepare the Filipinos for self-government and entire independence. When that preparation is accomplished, neutralization of the territory of the people to be enfranchised would seem to be only a proper complement to the grant of self-government and independence, and would be necessary, indeed, to make it effective.

"Here is a reasonable and practicable method of availing ourselves of existing conditions, unlike many peace movements, which design plans for a beautiful machinery whose working presupposes a converted world and a sublimely elevated public opinion. Reformers may be in the best sense opportunists. The peace movement need not scruple to avail itself of the jealousy of the nations concerning territory which each anxiously covets, yet perhaps still more anxiously desires to keep from others by persistently urging that they should agree to leave it to itself under the aegis of a joint guaranty. How impressive would be the example of the prosperity and progress of the Philippines and their people, benefiting by the advantages which the civilization of the more advanced nations would offer in exchange for the opportunities freely furnished for the development of their resources by foreign capital and commercial exchanges—opportunities sought in generous competition by the world.

"Freed from the burdens of a military establishment and favored by the security of a guaranteed and lasting peace, the islands would be irresistible object lessons and effect in a generation more than the eloquence of the idealist is likely to effect in centuries of pleading for the general and voluntary abrogation of this element of sovereignty among the great powers. Why should not the United States, in setting the Filipino people upon their feet, free and independent, use its good offices to negotiate a treaty with the other great powers, adding the islands to the list of those fortunate countries that are forever freed from the peril of foreign war and foreign conquest?

"Whether the next step toward neutralization comes from the initiation of a great power like the United States or eventuates from the counsels of some general congress called for the adjustment of the territorial problems which arise at the conclusion of great wars, the event would be hailed with enthusiasm by all sincere lovers of peace everywhere."

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Mr. MORSE of Wisconsin. Mr. Speaker, of course the question of the ultimate disposition of the Philippine Islands is not before the House at this time. The Delegate from the Philippine Islands has characterized the suggestion of statehood as an idle dream. I want to say that, in my opinion, after listening to the eloquent words of the Delegate from the Philippine Islands, this House would be pretty nearly ready to admit these islands to statehood. I do not believe the statement he makes that the possibility of their being admitted to statehood is a dream is true. I propose, when this question comes before the House, to offer an amendment, and in the place of permitting an independent government there promise them ultimate statehood. I believe that when the membership of this House considers that question they will not vote in favor of the proposition which is suggested in the resolution which we will be asked to consider hereafter.

Now, Mr. Speaker, I desire to call the attention of the House to the bill under consideration. I am going to support it, but I hope the House will amend it.

The 60,000,000 acres of land which came to this country by cession of the islands to the United States, of course, constitute a part of our public domain. Now, we permitted the Philippine Islands to sell that land—dispose of it in homesteads—and put the money into the Philippine treasury. We have not, however, given the title of these public lands to the Philippine Islands by any means. It is still in the United States of America.

A little while after the cession of these islands it was discovered that there was a large corporation in the Philippine Islands—two or three of them; religious orders—that held, in round numbers, 400,000 acres of land. There was a feeling of distrust; there was considerable trouble; the friars had been driven off the land; they owned it and they wanted to go back to it. The Philippine people objected, and the question came up as to the proper disposition of the land.

It was finally determined, and wisely so, that the Philippine Government should purchase the land from these three orders of friars. The land was purchased at an expense of about \$7,000,000. The question then arose as to the disposition of the land. They became public lands of the Philippine Islands, and I believe the most, if not all, the members of the committee and people prominent in the affairs of the Philippine Islands supposed that these lands would be disposed of just the same as other public lands were disposed of, namely, only 40 acres to any one individual and 2,500 acres to any one corporation. I speak of acres although the law says hectares.

The Attorney General construed the law otherwise, and held that these lands could be disposed of in large amounts if it was so desired. The larger part of it was so disposed of in large amounts. What was the result? The result was that we permitted these people to purchase these lands from the friars in order to get rid of absentee landlordism, in order to cut the land up into smaller tracts, in order that the Philippine people might live on the lands, might carry them on. What happened? The Government commenced selling these lands in very large tracts, and they went to people who were at that time officers of a corporation now known as the Sugar Trust. I want to quote a few sentences from one of President Taft's statements before the committee when this matter was under consideration:

Nor would I regard it as a beneficial result for the Philippine Islands to have the fields of those islands turned exclusively to the growth of sugar. The social conditions that this would bring about would not promise well for the political and industrial development of the people, because the cane-sugar industry makes a society in which there are wealthy landowners holding very large estates with most valuable and expensive plants and a large population of unskilled labor, with no small farming or middle-class tending to build up a conservative, self-respecting community from bottom to top.

Now, what have we done and what have we been doing? We have been taking these lands away from this great corporation, these three big organizations of friars, and turning them back and permitting them to go into the hands of another big corporation—the Sugar Trust.

Mr. OLMSTED. Oh, no.

Mr. MORSE of Wisconsin. The gentleman from Pennsylvania says "Oh, no," but I say "Oh, yes," and my authority is just as good as his. The lands do not go to the Sugar Trust directly, but to the officers of the Sugar Trust. They were officers at that time.

Mr. OLMSTED. They are neither officers nor stockholders in the Sugar Trust, but, on the contrary, they are the bitter opponents of that trust.

Mr. MORSE of Wisconsin. Not at the time the testimony was taken, but at the time the sale was made. They were then officers of the Sugar Trust.

Mr. TOWNER. Will the gentleman yield?

Mr. MORSE of Wisconsin. Not at this time. I want to state this proposition. It is proposed by this bill to prevent the sale of this land in larger amounts to any person than 40 acres and to any corporation than 2,500 acres. That land is adapted to the raising of sugar cane, and if we permit the sales to go on in large amounts, as has been done, the result will be that, instead of an absentee landlordism in which the landlords were the religious monks, we will have an absentee landlordism in which the landlords are the sugar people. That is the condition. This bill, so far as it goes, will tend to correct that condition, because it will put the Philippine public lands known as the friar lands in the same class as the other public lands, and it will for a few moments only, as reckoned in the life of a nation, prevent that condition.

I want to call attention to what I believe is the crux of the whole situation. The organic act provided that no agricultural corporation should be permitted to secure or acquire more than 2,500 acres. It could not acquire more than 2,500 acres from the Government or from private people, but the act did not provide that no person could acquire more than 2,500 acres. What is the result? The corporation can not buy up all the lands in the Philippine Islands, but the people who compose the corporation may. The stockholders, directors, and officers of the corporation, under the law as it exists to-day, can evade that law by buying up the lands in the Philippine Islands, and create there large landed estates on which sugar is produced.

The proposition that I tried to have the committee adopt when this bill was up for consideration before the committee was that we put a limitation upon the amount of land that a private individual could acquire. Under heaven, what is the sense of preventing a corporation from acquiring more than 2,500 acres and permitting officers of the corporation to acquire 10,000,000 acres? I tried in committee to get that put on this bill, and I am going to offer the amendment from the floor of the House this afternoon. I do not see how any man can object to it. If it is bad, if it is evil, if it tends toward the development of these great plantations with their attendant serfdom, which always follows the development of a great sugar corporation, to do that, why is it not equally bad for the officers of the corporation to do it?

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. MORSE of Wisconsin. With pleasure.

Mr. LONGWORTH. Would the gentleman say how much of the total output of sugar in the Philippine Islands is produced outside of the island of Negros?

Mr. MORSE of Wisconsin. I can not say.

Mr. LONGWORTH. Is it a large portion?

Mr. MORSE of Wisconsin. I do not know.

Mr. KENDALL. Mr. Chairman, will the gentleman yield for a question?

Mr. MORSE of Wisconsin. With pleasure.

Mr. KENDALL. Will the gentleman put into the Record the names of the people who have acquired these large tracts of land?

Mr. MORSE of Wisconsin. They are already in the Record, I believe. If not, I shall be glad to put them in.

Mr. KENDALL. And how much each has acquired?

Mr. MORSE of Wisconsin. That is in the report, but I will be glad to put it into the Record.

Mr. LONGWORTH. Mr. Speaker, the reason I asked the question is because my impression was—certainly it was so when I was in the Philippine Islands myself—that practically the entire output of sugar came from the island of Negros, and I did not know whether since then, by virtue of the operation the gentleman has described of people acquiring large tracts of the friar lands, large amounts of sugar were produced outside of that island.

Mr. MORSE of Wisconsin. I am not sure about that, but I do know that this land was purchased with the object of establishing large sugar plantations, and the hearing before the committee brought out the fact they were developing, in at least three instances, sugar plantations on this land which was purchased in violation of what everybody supposed the law was.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. MORSE of Wisconsin. With pleasure.

Mr. TOWNER. The tract that was acquired by these gentlemen who represented the Sugar Trust, as it is assumed, was what is known as the San Jose estate, was it not?

Mr. MORSE of Wisconsin. That was one of them.

Mr. TOWNER. Was it not the only one?



Mr. MORSE of Wisconsin. Acquired by the officers of the Sugar Trust?

Mr. TOWNER. Yes.

Mr. MORSE of Wisconsin. Yes; I think that is the only one acquired by the officers of the Sugar Trust.

Mr. TOWNER. And that contained about 56,000 acres of land.

Mr. MORSE of Wisconsin. Something over 50,000 acres.

Mr. TOWNER. So it should be understood by the House that no large portion of this tract of 400,000 acres has been disposed of to the people of the Sugar Trust.

Mr. MORSE of Wisconsin. The gentleman has admitted that nearly 56,000 acres in one tract has been disposed of to these people who were at that time officers of the Sugar Trust.

Mr. JONES. I will say to the gentleman, it is 56,210 acres.

Mr. MORSE of Wisconsin. And now that it not the only large sale of land to one person or to one corporation. If the Members of this House will turn to the views of the minority and look on page 3 they will find an account of a large number of sales.

Mr. JONES. Will the gentleman permit a suggestion there?

Mr. MORSE of Wisconsin. With pleasure.

Mr. JONES. I would like to say to the gentleman that the commission also sold a very large tract to another individual, but for some reason that sale was not consummated. The contract of sale was duly executed, but the proposed sale was not consummated.

Mr. MORSE of Wisconsin. Now, I wish the chairman of this committee would consent to an amendment to this act at this time which will prevent the sale of any public lands in these islands to individuals or prevent the acquiring by individuals of a tract of land—oh, put it high enough—in excess, say, of 2,500 acres. I believe if he will do that he will do a thousand times as much for the people of the Philippine Islands as he will when he passes this bill in this House.

Mr. JONES. Will the gentleman yield for just a suggestion?

Mr. MORSE of Wisconsin. With pleasure.

Mr. JONES. As I understand the law now, it prohibits any individual from holding more than 16 hectares, or 40 acres, of land—

Mr. MORSE of Wisconsin. From holding?

Mr. JONES. I mean from buying more than 40 acres of any public lands.

Mr. MORSE of Wisconsin. Yes.

Mr. JONES. More than 40 acres of land, and it is my contention that the same restrictions apply to the friar lands that apply to the public lands. It is the purpose of this bill to remove any doubt which may exist upon this subject. No public lands have been sold to individuals in excess of 40 acres. The sales made in excess of 40 acres have been of friar lands.

Mr. MORSE of Wisconsin. We do not know whether that is true or not.

Mr. JONES. And they bought friar lands because the commission held that the limitation did not apply to them. It is the purpose of the bill to make it clear that the limitations apply to all lands owned by the Philippine people.

Mr. MORSE of Wisconsin. Then go one step further and prevent an individual from acquiring from the Government or from anybody more than 2,500 acres of land.

Mr. JONES. Does the gentleman believe that it is within the power of Congress to prevent an individual from buying 10 acres from another individual?

Mr. MORSE of Wisconsin. I do.

Mr. JONES. I seriously doubt that.

Mr. MORSE of Wisconsin. I will put in the Record some cases, particularly one in the State of Minnesota, which I have not here with me on the floor this afternoon, not knowing that this bill would come up, some decisions which to my mind hold clearly that in the public interest the sovereign government can prevent the acquiring for any purpose of lands larger than a certain amount.

Mr. JONES. By a corporation or an individual?

Mr. MORSE of Wisconsin. By an individual as well as a corporation.

Mr. MADDEN. I was wondering whether the gentleman believes that if I own 40 acres of land in the Philippine Islands I did not have the right to sell that land to some individual who wished to buy it.

Mr. MORSE of Wisconsin. If the individual did not own so much land that the ownership was dangerous to the public welfare.

Mr. MADDEN. If the idea of the gentleman were carried out to its logical conclusion nobody would be able to sell any property they happen to own in the shape of land.

Mr. MORSE of Wisconsin. Not at all.

Mr. MADDEN. Unless they sold it to some person who had no land prior to the purchase.

Mr. MORSE of Wisconsin. Who did not have less than the amount prescribed by law.

Mr. JONES. If the gentleman will permit. If a man owned 1 acre of land and another man owned 40 acres, and the man owning 1 acre bought the 40 acres, that would give him 1 acre more than the amount prescribed by law.

Mr. MORSE of Wisconsin. I would not put the limitation as small as this.

Mr. JONES. Suppose it were 80 acres, would it not be the same thing?

Mr. MORSE of Wisconsin. Say 2,500, and it would be the same thing. I do not ask anything unreasonable. The object of this whole legislation is to prevent absentee landlordism and the acquiring of large tracts of land to be used for sugar plantations, because that sort of thing tends to the creation of two classes, a landlord class and a peon class, if you choose to call it such.

Mr. TOWNER and Mr. FOWLER rose.

The SPEAKER. To whom does the gentleman yield?

Mr. MORSE of Wisconsin. I yield to the gentleman from Illinois.

Mr. FOWLER. I desire to ask if there is any limitation under the law governing the sale of real estate in the Philippine Islands, to prevent corporations from owning an unlimited number of acres.

Mr. MORSE of Wisconsin. Yes; a corporation is prevented from acquiring from any source more than 2,500 acres; that is, an agricultural corporation.

Mr. FOWLER. What is there to prevent an individual from selling his land to a corporation?

Mr. MORSE of Wisconsin. Why, the law itself. If the corporation has 2,500 acres it can not acquire a larger amount than that.

Mr. FOWLER. Is that the limitation which is placed upon the acquirement of the corporation in the islands?

Mr. MORSE of Wisconsin. It is.

Mr. FOWLER. And it can not hold any more land than that 2,500 acres?

Mr. MORSE of Wisconsin. That is the limitation. But the individual can do so, and that is what I am trying to point out to this House.

Mr. FOWLER. One other question. I understand that the limitation placed on these lands—125,000 acres—is 40 acres to the individual. Is that true?

Mr. MORSE of Wisconsin. That is the amount that an individual can purchase directly from the Government; yes.

Mr. FOWLER. Why make a distinction between the amount that a corporation can acquire and the amount that an individual is permitted to acquire?

Mr. MORSE of Wisconsin. It came about in this way: The House placed it at one figure and the Senate at another, and the 2,500 acres is a compromise, the idea being that it took a large number of acres of land in one ownership for the establishment of a paying sugar plantation. Now, in places where tobacco is raised that is not true, but in the places where sugar is the principal crop it was decided by the conference committee and finally passed by both branches of this Congress and fixed at 2,500 acres.

Mr. FOWLER. Do you not think it is unwise to allow a corporation to own real estate and get into the agricultural business?

Mr. MORSE of Wisconsin. I think the gentleman raises a very close question. I think probably it would not be possible, either in the Hawaiian Islands or in the Philippine Islands at this time to produce sugar at all unless a large amount of land was permitted to be held in one ownership.

Mr. FOWLER. One other question. Is it not a fact that the great industrial business of this country is done now by corporations?

Mr. MORSE of Wisconsin. I think so.

Mr. FOWLER. If you permit corporations, then, to own real estate and engage in the agricultural business, would it not inevitably lead to the same condition in the ownership of land and in the cultivation thereof for agricultural products?

Mr. MORSE of Wisconsin. I think it is quite possibly true.

Mr. FOWLER. Is not that a dangerous thing to the poor people of this country in acquiring homes for themselves and their families?

Mr. MORSE of Wisconsin. I think the gentleman is quite likely correct. Now, Mr. Speaker, I do not desire to take any more of the time of the House.

Mr. TOWNER. Will the gentleman yield?

Mr. MORSE of Wisconsin. With pleasure.



Mr. TOWNER. I would like to ask the gentleman whether he thinks the practice with regard to the restriction of the individual ownership of land ought to apply to other Territories that are under the control of the United States Government?

Mr. MORSE of Wisconsin. It ought to especially apply to the Philippine Islands. Most of the other Territories, like Alaska, are not sugar-producing Territories, and it is on account of this fact and on account of the social conditions, that President Taft points out, which arise from the sugar business, that I would insist, in these islands particularly, that that limitation should apply. I do not believe there is a bit of difference between the lands acquired by purchase from the friars and lands acquired in any other way, and I do not believe, so far as the policy is concerned, that we should make the slightest bit of difference in the handling of those lands. They are all public lands. They are all to be disposed of by the Philippine government, and the mere fact that the Government owes something on them cuts no figure in this case whatever.

I believe this bill should be passed, but it should be amended as I have suggested. It will do some little good if it is passed in its present form. It will put off for a few years the fatal day, but now is the time to take the step. We have the bill here, we can amend it at this time, we can put it through the House to-day, and we can settle this question forever. And I sincerely hope the chairman of the committee will accept the amendment. [Applause.]

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] is recognized for an hour.

Mr. OLMSTED. Mr. Speaker, the Government of the United States has given to the people of the Philippine Islands more generous treatment and a more liberal, more wise, and more beneficent government than any other country on the face of the earth ever gave, under similar conditions, to any dependent colony, province, or territory. We have restored peace and good order, which they had not enjoyed for many years, and have afforded and given to life and property a protection and safety unknown during all the previous history of the islands; we have given them a government in which they have had a greater participation than they ever had in government before; we are endeavoring to conquer the illiteracy which prevails in the islands, and under our rule more than 9,000 teachers are now teaching nearly half a million scholars; we have improved their roads and helped them to many public improvements; we have increased and improved sanitation and hospital facilities, and have very materially reduced their death rate; and while doing all these things we have restored their finances to first-class conditions.

Now, as often happens under such circumstances, benefits have to be bestowed, and wise measures enacted over the protest of some or all of the people to be benefited. The passage of this bill would prove greatly to the detriment of the Filipinos. Its defeat will be greatly to their advantage, and yet if we do them the favor of defeating it we must do so, it appears, over what seems to me the very unwise protest of one of their representatives upon this floor—the eloquent gentleman who has just addressed you and whose ability I concede. If the people of the islands were all of his class there might be better reason for the passage of another bill which will come up here in a few days.

But he is only one of the few, the very few, the mere handful of highly educated gentlemen in the islands, and who hope to govern and control the millions of others if they can obtain Philippine independence. Naturally, they prefer that their people shall be "poor and independent rather than rich and dependent" upon the United States.

It can not be true that the Filipinos as a unit are in favor of this bill. Not 10 per cent of them ever heard of it, not 10 per cent of them could read it if they saw it, not 10 per cent of them could read it even if it were printed in the Spanish language. They would not understand it if they would read it. Nobody can understand it without first studying the act of 1902 to ascertain the effect of this proposed amendment. The effect does not appear upon the face of the bill itself.

Mr. QUEZON. Will the gentleman yield?

Mr. OLMSTED. With pleasure.

Mr. QUEZON. Is the gentleman aware of the fact that there has been in every town in the Philippine Islands meetings to urge the support of the bill that is now before the House?

Mr. OLMSTED. I am not aware of it.

Mr. QUEZON. I assure the gentleman from Pennsylvania that that is a fact.

Mr. OLMSTED. It would be interesting to know just how the bill was explained to them. The people of the Philippines have been led largely to believe that there was some project on foot in the United States whereby great corporations and trusts

were to gobble up the lands of their islands. Nothing is further from the truth. Under the law as it stands now no corporation can hold more than 2,500 acres. This question is not involved. This bill does not change the law at all as to corporations, but its effect, if enacted into law, will be to limit individuals to 40 acres of friar lands and prevent their sale or encumbrance of even that small acreage for five years after their purchase. It must have been seen by those who heard my eloquent friend from the Philippines, not only between the lines, but on the lines, that his objection to the sale of these lands in larger tracts is based upon the fear that they will be purchased by citizens of the United States in such quantities as will render it more difficult to disengage the islands from the Government of the United States, because, as he frankly said, those people who bought the lands would come here and insist that this Government should keep control, as otherwise their possessions would not be secure.

Why, Mr. Speaker, this bill does not involve any great economic principle, any great principle of government. It applies to about 125,000 acres of land in a country having a land area of more than 115,000 square miles—an area about equal to that of the six New England States, New York, New Jersey, and Delaware combined. It applies only to the unoccupied, vacant, remaining unsold friar lands.

The public lands, so called, were acquired by the United States from the Spanish Crown under the treaty of Paris. The organic act of 1902 very generously provided that they might be disposed of for the benefit of the Filipinos. They had belonged to the Crown of Spain. They had not been, as has been asserted, the inheritance of the Filipinos. They had never belonged to the Filipinos until, in the act of Congress of 1902, we gave them to the Filipinos to be disposed of for their benefit, subject to certain conditions.

One of those conditions was that not more than 16 hectares, or about 40 acres, should be sold to a single individual. Another condition was that no purchaser, even though he paid cash down, could have the lands except upon the condition of personal and continued occupancy for five years, during which period—mark you, for five years—he could neither sell nor encumber those lands. He could not even borrow money on them to improve them.

We had a perfect right to impose that condition, whether it was wise or not, and it can not be considered as illiberal or unjust to have imposed those conditions so long as we ourselves were giving the land to the Filipinos. Whether those conditions were wise or unwise was not a subject of just complaint at that time.

But these friar lands were not public lands. They were in private ownership and had been in private ownership for many years before we acquired the islands. We almost compelled the Philippine Government to purchase them. There were about 400,000 acres of them, in round numbers. About one-half, or 200,000 acres, were vacant, unoccupied, untenanted, wild lands. About half of them, or, say, about 200,000 acres, were in the neighborhood of cities. They were thickly peopled. There were about 160,000 people living on these 200,000 acres.

Under the provisions of the act of 1902, which put no limit upon the amount of friar lands which could be sold to an individual, those lands—the tenanted lands—have been sold or leased—most of them—and some of the unoccupied lands. There remain at this time only about 125,000 acres of unsold friar lands that could possibly be sold in any considerable tracts.

Now, where are those lands? Let me show you. The Binan estate in Laguna Province contains 725 acres unsold. That is all in that Province. Now, would the Government be overturned, would those islands be exploited, if that land were sold—those 725 acres—to one purchaser?

I will put this table in my remarks in concise order, but I will comment upon it as I go along:

*Statement showing the area of unoccupied lands on the various friar estates Jan. 1, 1911, showing the approximate size of the vacant tracts.*

	Acres.
Binan estate, Laguna Province.....	725
The bulk of this area is in one tract in the southwestern part of the estate.	
Muntinlupa, Laguna Province.....	2,450
The vacant land lies in the southeastern portion of the estate and the great bulk of the area is in one tract.	
Santa Rosa, Laguna Province.....	1,300
Probably not over 400 acres of this is in one tract.	
Calamba, Laguna Province.....	18,450
This, with the exception of a few small tracts, consists of practically three large tracts of 5,000 acres or over.	
Naic, Cavite Province.....	9,075
This consists of practically two tracts—one in the northeastern portion of the estate of about 6,000 acres and the other on the southern end of the estate of about 2,500 acres; the balance is in small parcels.	
San Francisco de Malabon, Cavite Province.....	13,900
Practically all in one tract.	



	Acres.
Santa Cruz de Malabon, Cavite Province.....	14,700
Practically all in one tract, adjoining the vacant land on the San Francisco de Malabon and the Nalc estates.	
Imus, Cavite.....	22,500
Practically all in one tract and adjoins the San Francisco de Malabon estate.	
Santa Maria de Pandi, Bulacan Province.....	4,125
This is in scattered parcels not exceeding 100 acres in any one parcel.	
Orion, Bataan Province.....	175
One parcel of about 100 acres; balance in small parcels.	
Talisay, Cebu Province.....	10,000
This is practically one entire tract on which occupants have leased small areas here and there.	
Isabela, Isabela Province.....	48,622
Total.....	146,023

The above statement shows that there is vacant and available for sale or lease the following large tracts of friar lands:

Estates.	Number of tracts.	Area.
		Acres.
Isabela.....	1	48,622
Cavite.....	1	40,000
Do.....	1	6,000
Laguna.....	3	5,000
Do.....	1	2,400
Do.....	1	700
Do.....	1	400
Talisay.....	1	10,000
		123,122

The Multinlupa estate in Laguna Province has 2,450 acres. The bulk of it is in one tract. On the Santa Rosa estate there are 1,300 acres, but not over 400 acres in any one tract.

Now, would the Philippine Islands be exploited or the form of government be affected if the Philippine Government should sell that tract of 400 acres in one piece to one purchaser? In the Calamba estate there are 18,450 acres, divided into a number of small tracts and three separate tracts of about 5,000 acres each. The largest tract unsold is in the Isabela Province, 48,622 acres. That cost the Government \$159,851, a little over \$3 an acre. It is in a sparsely settled Province, 100 miles from any seaport, and that seaport itself 200 miles from Manila. You could not sell that land in 40-acre tracts subject to the conditions of this bill in a thousand years. Nobody would buy a 40-acre tract there under the condition that he could not sell it or borrow money on it for five years even though he had paid cash for it. There is no State in the Union, Mr. Speaker, that, so far as I know, has any limit upon the amount of land that may be purchased by an individual. Certainly I know of my own knowledge that Pennsylvania, Louisiana, Mississippi, and other States sold out their lands at fixed prices to anyone who wanted to buy them without limitation as to quantity. I think the same is true of the State of Virginia and all the other States of the Union. Why should we put upon the Filipino people a limitation upon the sale of their own lands of 40 acres? They could not sell them in 40-acre tracts at any such prices as they can obtain in larger tracts.

Mr. JONES. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Virginia?

Mr. OLMSTED. Certainly.

Mr. JONES. The gentleman from Pennsylvania was a member of the Committee on Insular Affairs that reported the organic act. Why did he put a limitation of 40 acres on the public lands?

Mr. OLMSTED. I am not responsible for the limitation in regard to public lands. But, as I have said, that was a different proposition, because we were giving away the lands, and it was entirely proper and just that we should attach to the gift any conditions we chose.

Mr. COOPER. The gentleman from Pennsylvania has just suggested that no State in this Union places a limitation on the amount of land that an individual or corporation may own.

Mr. OLMSTED. So far as I know, none upon ownership by individuals.

Mr. COOPER. Then would the gentleman say that there ought not to be in the Philippine Islands any restriction upon the amount of land which a corporation could own there?

Mr. OLMSTED. I would not say that. There are restrictions upon the amount that corporations may own.

Mr. COOPER. Would the gentleman say there ought to be no restriction on the amount of land an individual might own or acquire of the public lands in the Philippines?

Mr. OLMSTED. I will not say that. The public lands were lands we gave them, and I think it was proper to put a limitation on a gift.

Mr. COOPER. Why is it any more proper to put a limitation upon that than it would be upon these four hundred thousand and odd acres of the best lands in the islands, owned by the friars?

Mr. OLMSTED. That is just what I was about to try to explain. The 60,000,000 acres of public lands we were giving away. We had a perfect moral and legal right to impose conditions upon the gift; but these friar lands were purchased by the Filipino people with their own money, with the contemplation clearly expressed in the organic act of 1902 that they were to be sold as rapidly as possible, the proceeds to be put in a trust fund for the purpose of paying off the \$7,000,000 of bonds on which they had raised the money to make the purchases. Now, the reason why we ought not by legislation to put these restrictions upon the sale of these friar lands is that they could not get out of them in small tracts the money to pay the bonds. Let me show you how it works. Much has been said about the sale of 56,000 acres to one purchaser in the island of Mindoro. The purchase was made by one E. L. Poole. It subsequently developed that he had made the purchase in the interest of three men whose names have been mentioned. They did not buy it for the Sugar Trust; they bought it for themselves; and it developed in the hearings that the Sugar Trust people were angry with them for doing it. So far as I have ever learned or been able to discover, the Sugar Trust itself does not engage in the raising of sugar cane. It refines sugar, but it does not raise any sugar cane.

Mr. NORRIS. It raises Cain, but not sugar cane.

Mr. OLMSTED. As the gentleman says, it may raise Cain, but not sugar cane. That purchase by Mr. Poole of 56,000 acres was the San Jose estate, on the island of Mindoro, a distant island, unsettled, uninhabited. Nobody would have bought a 40-acre tract there. There were public lands adjoining this estate—just as good land—offered at \$2 an acre in 40-acre tracts, but nobody would buy 40 acres. This 56,000 acres was sold for \$6 an acre, thus permitting the Philippine Government to get out, with interest, the \$298,000 which it had paid for the land, the entire selling price amounting to \$367,000.

I do not know that I would be in favor, in general, of allowing sales in such large quantities as that; but that was an isolated tract, and it was a good business transaction. The only other very large tract is the Isabela estate, on which I believe one party was given an option, but threw it up and would not take it. The Philippine Government can probably get its money back out of this estate if permitted to sell in tracts to suit purchasers, but never in 40-acre lots with the nonalienation and nonencumbrance conditions attached.

Mr. BUTLER. Mr. Speaker, will it embarrass my friend if I ask him some questions?

Mr. OLMSTED. Not at all.

Mr. BUTLER. Is this the only sugar land in the Philippine Islands?

Mr. OLMSTED. Oh, no; there are plenty of sugar lands in the Philippine Islands. I am glad my friend has asked that question. The sugar lands in the Philippine Islands are mostly on the island of Negros, as the gentleman from Ohio suggested a few minutes ago. Those lands are worked in a very primitive style. They get about 60 per cent of the juice out of the cane, whereas by modern methods they ought to get 90 per cent. Now, nobody would ever buy an acre of these lands for sugar purposes if they could only buy 40 acres, because the testimony before the Insular Affairs Committee, by witnesses from the Philippines and more particularly from Porto Rico, shows that there ought to be at least 3,000 to 5,000 acres in one ownership to justify the erection of a modern centrale, which costs a great deal of money.

Mr. BUTLER. Is this the only use to which this land can be put—the raising of sugar cane?

Mr. OLMSTED. Oh, no. The principal products of the islands are hemp, copra, sugar, and tobacco, in the order named. Copra, which is the form in which the product of the coconut is exported for external use, is one of the most profitable. The exports of copra from the Philippine Islands in 1910 amounted to more than \$9,000,000. The coconut is next to hemp in importance.

Since the gentleman has asked that question, I am reminded to refer to the report of the Philippine Commission for 1910. Upon page 116 I read as follows:

Although the Philippine Islands are to-day, owing to the favorable climate and soil conditions, the greatest coconut-producing country in the world, it has been made practically impossible for a man to own a coconut plantation here unless he can buy private land, for he can not



purchase more than 40 acres of Government (public) land, which, at 54 trees to the acre, would give him a total of 2,160 trees, making no allowance for land needed for building sites or otherwise unavailable. As these islands have thousands of square miles of the best coconut land lying idle, the wisdom of the provision is not apparent.

Similarly, the islands have very extensive unoccupied and uncultivated areas perfectly adapted to the growing of rice. They ought not only to feed their own people liberally but to export rice in large quantities to China and other neighboring countries where there is a strong demand for it. Instead of doing this they imported during the year rice to the value of \$6,643,924. The obvious remedy for this situation is cultivation upon a large scale with modern methods and machinery, but there would be ground for doubt as to the sanity of a person who would import modern machinery to work a 40-acre tract of rice land.

Mr. BUTLER. It seems to be conceded all around that it would be a good thing financially for the Filipino, but it is said that he is opposed to selling the land in such large tracts. Will the gentleman from Pennsylvania tell me what was discovered in the hearings touching the feeling of the Filipinos as to the disposition of his land in large tracts?

Mr. OLMSTED. It was clear that the only objection to the sale of large tracts was the fear that it might be gathered up by corporations and trusts of the United States, and that if purchased here by individuals the purchasers, fearing that their possessions would not be safe under native rule, would exert their influence to prevent Philippine independence.

Mr. NORRIS. Will the gentleman from Pennsylvania yield for a question or two?

Mr. OLMSTED. Certainly.

Mr. NORRIS. I am asking the questions for the purpose of gathering information, for I know the gentleman has studied the question and understands it better than I do. Does the gentleman think there ought to be no limitation on the amount of land that can be acquired by an individual?

Mr. OLMSTED. Of public land I think there ought.

Mr. NORRIS. Why should there be a limitation on the amount of public land and not on other lands? Is not this land that would be subject to the same objection in one case as in the other as to being held in large quantities?

Mr. OLMSTED. If there were 60,000,000 acres of this land, the question of public policy might come in. As to the public lands, we were giving them those lands, and we preferred to give them so that they could only be sold in small tracts.

Mr. NORRIS. I think that is proper; but why should we limit the public lands as to the amount an individual can purchase unless it is desirable to have the limitation on the amount of friar lands that a man can purchase? Why, if it is not desirable to limit other lands that a man can purchase, should we limit the lands that one individual can purchase?

Mr. OLMSTED. The difference is this: If I am giving the gentleman a farm it is proper and just for me to put conditions on its sale by him, but it would not be proper and just for me to limit and put conditions upon the sale of the gentleman's own farm which he had purchased with his own money.

Mr. NORRIS. The object of the Government in limiting the sale of public lands is to prevent the ownership of large tracts of lands?

Mr. OLMSTED. Yes; to prevent the 60,000,000 acres of public lands donated by the United States from being gathered into a few hands.

Mr. NORRIS. It seems to be conceded by all that it is desirable to see that no one individual owns such large tracts of land, and if that be true—

Mr. OLMSTED. That has not any reference to one individual, but the whole situation of the islands. It is not desirable that the whole land of the islands shall be gathered into a few hands.

Mr. NORRIS. It is desirable to have the lands in the hands of a great many rather than in the ownership of a few.

Mr. OLMSTED. That is it.

Mr. NORRIS. If that be true, why should not we put the limitation on the individual purchasing these lands? It may be that we have not the legal right to do it, but why should it not be desirable to limit it in one case as well as in the other?

Mr. OLMSTED. The reason is that we were giving the lands in the one case, and they can not complain of the conditions; but in the other case it is their own land, bought with their own money, and we ought not arbitrarily to impose such limitations and conditions as will prevent the Philippine Government from recouping itself for the moneys expended in the purchase of these friar lands.

Mr. NORRIS. But we are not pretending to take away any land from any individual; we are only seeking to limit and prevent them from acquiring large tracts of land.

Mr. OLMSTED. It is proposed by this bill to prevent the Philippine Government from selling the 125,000 acres of remaining unoccupied and untenanted friar lands in anything above 40-acre tracts, and that I think unwise and unjust. It amounts to a practical denial of the right to sell.

Mr. NORRIS. I would like to ask the gentleman's judgment, if he has given the subject any thought, as to the right, as a matter of law, of Congress to so legislate as to limit the purchase of land by individuals. I notice that question has been raised in the discussion here.

Mr. OLMSTED. I think Congress had a perfect right in disposing of the 60,000,000 acres of public land to provide that it should not be sold out by the Philippine Government in any larger tracts than 40 acres.

Mr. NORRIS. That does not quite answer my question. I am referring particularly to the amendment suggested by the gentleman from Wisconsin [Mr. MORSE], who said that he proposed to offer later an amendment of that kind. The question was raised by the gentleman from Iowa that we had no constitutional right to put on a limitation of that kind.

Mr. OLMSTED. I think it is a very serious question. I do not care to give an opinion offhand. I have not considered that question, as it is not involved in this bill. If you should enact a law that no man should buy more than 10 acres of land you would deprive the owners of land of the power of sales and thus deprive them of much of the value of their property.

Mr. NORRIS. Of course, but I suppose that would be controlled in the different States by the constitutional limitations. In the Philippine Islands, however, we are not limited by any constitutional inhibition, as I understand it. Still I do not pretend to understand the legal phase of it, for I never heard the question raised until now. I thought the gentleman had studied the question and perhaps had an opinion about it.

Mr. OLMSTED. I have not. It has not even been suggested until to-day.

Mr. BUTLER. Mr. Speaker, I do not desire to go into the constitutional feature of this, but I am going to leave that part for bigger lawyers. I want to get at the justice of the thing. Do the Filipinos object to the sale of this land for any reason except for that of sentiment alone?

Mr. OLMSTED. I do not think the Filipinos would object to the sale of this land in tracts of any size if they did not fear that it would in some way affect the question of independence.

Mr. GARRETT. Mr. Speaker, will the gentleman yield in that connection?

Mr. BUTLER. Just one moment. Has the Filipino in any way assented to the sale of this land? He has a government there. Has the government been consulted?

Mr. OLMSTED. These friar lands have been sold, so far as they have been sold at all, in pursuance of an act of the assembly passed by the Philippine Legislature.

Mr. BUTLER. Who elected that legislature?

Mr. OLMSTED. The Filipinos elected one branch of the legislature, and it required the agreement of the two branches.

Mr. BUTLER. Did the branch of the legislature elected by the Filipinos agree to the sale; did it approve the sale?

Mr. OLMSTED. The legislature authorized the sale of the lands by general legislation. I do not know that these particular transactions were ever brought to their attention.

Mr. BUTLER. I do not know enough about the organized government, but I would thank the gentlemen to answer this further question. The land was sold by a commission.

Mr. OLMSTED. The land was sold by the land department of the Philippine Islands.

Mr. BUTLER. The land department of the Philippine Islands?

Mr. OLMSTED. Through the regular agencies of the Philippine Government.

Mr. BUTLER. And the Philippine Legislature by general legislation authorized the sale of these lands?

Mr. OLMSTED. Yes.

Mr. BUTLER. Then what are they complaining about? If the people of the Philippine Islands are unanimously opposed to the sale of these lands, why did the legislature, elected by them, authorize the sale?

Mr. JONES. The legislature was not elected by the Filipinos.

Mr. OLMSTED. Some of them changed their views. When they found a large purchase had been made by citizens of the United States, their fears were worked upon to such an extent that they were led to believe their best lands would all be gobbled up by American corporations and trusts.

Mr. BUTLER. I must not ask the gentleman too many questions, and it is because of my high opinion of his good judgment that I venture to constantly interrupt him. I have always gotten valuable information from him. Was this legislature elected?

Mr. OLMSTED. The lower branch was elected by the Filipino people.

Mr. BUTLER. I understood the gentleman from Virginia [Mr. JONES] to say that it was not.



Mr. JONES. I said that the legislature was not elected. The legislature is composed of two branches.

Mr. BUTLER. The legislature is composed of an upper and lower house, I suppose.

Mr. OLMSTED. The lower branch was elected wholly by the Filipino people.

Mr. BUTLER. And that branch consented to this bill?

Mr. OLMSTED. There could not have been any legislation except by both branches.

Mr. JONES. Mr. Speaker, I can not let that statement go unchallenged. I am not willing to assent to the statement that the legislature consented to this sale.

Mr. OLMSTED. I have stated that this particular transaction was never brought before the legislature, so far as I know, but the act itself was passed by the legislature, and in pursuance of that act the sale was made.

Mr. BUTLER. There was no restriction upon the amount to be sold in any one case in the authority given by the legislature?

Mr. OLMSTED. There was not.

Mr. QUEZON. Mr. Speaker, will the gentleman yield?

Mr. OLMSTED. With pleasure.

Mr. QUEZON. Mr. Speaker, I just want to repeat to the gentleman what I said before when I was addressing the House, that the Philippine Assembly did pass a bill providing that the friar lands should not be sold in excess of 40 acres to individuals and in excess of 2,500 acres to corporations; but this bill failed to become a law because the Philippine Commission refused to pass it.

Mr. BUTLER. When was the law passed to which the gentleman refers?

Mr. QUEZON. As soon as they found out that the Philippine Government had sold to representatives of certain gentlemen in New York 56,000 acres of land in Mindoro.

Mr. BUTLER. Now, let me ask—

Mr. LONGWORTH. Let me ask the gentleman if this was unanimous?

Mr. QUEZON. Absolutely unanimous, there being not one dissenting vote.

Mr. BUTLER. Let us learn something in this connection. You do elect a legislature in the Philippine Islands?

Mr. QUEZON. No, sir; we elect the assembly.

Mr. BUTLER. Well, an assembly; you elect the lower house?

Mr. QUEZON. Yes, sir.

Mr. BUTLER. You have voters' qualifications there?

Mr. QUEZON. Yes, sir.

Mr. BUTLER. And this legislature that authorized the sale of this land was elected by the people?

Mr. QUEZON. Yes. I say this assembly, as soon as they found out the sale of the Mindoro state, they tried to pass a bill to prevent further sales of this kind, but it failed to become a law because the commission did not agree to it.

Mr. BUTLER. As soon as they comprehended the extent of their act, as soon as they discovered there was authority in the commission to sell this land in large quantities, then they regretted their act?

Mr. QUEZON. There is something to be said about that, and I do not wish to take up the time of the gentleman from Pennsylvania.

Mr. GARRETT. Will the gentleman permit me to say to his colleague—

Mr. OLMSTED. Certainly.

Mr. GARRETT. I think the situation in regard to that matter is this: The assembly—that is, the legislature—of the Philippines passed this act, and they were of the opinion that the organic law restricted the sale. They did not provide the amount which could be sold by the act which applied, as they thought it would be taken care of by the organic law.

Mr. JONES. They put the same construction Mr. GARRETT, Mr. COOPER, and many others did upon the language of section 65 of the organic act.

Mr. BUTLER. I am willing to accept any statement the gentleman may make, but I would like to know how the gentleman assumes that was in the mind of the Philippine Legislature when they passed the law. That is what bothers me.

Mr. OLMSTED. The fact is that the Philippine Legislature passed one law touching friar lands in which they made the lands salable, subject to the same conditions that the organic act imposed upon the sale of public lands, but, finding that the lands would not sell with that limit of 40 acres, they enacted a later law, authorizing the sale of friar lands, without limit as to quantity, and in pursuance of that law this sale of the San Jose estate of 56,000 acres on the island of Mindoro was made.

Mr. STERLING. Will the gentleman yield for a question?

Mr. OLMSTED. I will.

Mr. STERLING. I understand the gentleman from Pennsylvania thinks it important, from a financial standpoint, that the Government be allowed to sell these lands—that is, the friar lands—in larger amounts.

Mr. OLMSTED. I think it is of the utmost importance.

Mr. STERLING. And that the Philippine Government thinks so.

Mr. OLMSTED. It did think so when it passed that act.

Mr. STERLING. In order to provide the money to meet these bonds.

Mr. OLMSTED. Yes; they were practically compelled by our legislation to purchase these lands at a price it was almost feared they would never be able to get for them again and to incur an indebtedness of \$7,000,000 and a charge for annual bond interest of \$280,000. Now, it is highly important that they shall get out of this land sufficient money to pay off these bonds, and the prospects are that they will be able to do it if they are permitted to sell the land in reasonable tracts. And let me show you how the sale under the provisions of this law operates. Let me call attention again to the fact that under this bill as proposed you could only sell 40 acres to one person, and he would have to live on it continually for five years, during which period he could neither sell it nor borrow money upon it, and nobody is going to buy much land under those conditions. Let me show you how it works. Down to December 31, 1910, out of 60,000,000 acres of public land subject to these conditions there had been only 52 sales to individuals, aggregating less than 2,000 acres. Now, how long will it take to sell these friar lands—these desolate, wild, unoccupied friar lands—under such conditions as that?

Mr. STERLING. The gentleman spoke awhile ago about the Spanish Government ceding this territory to the United States—

Mr. OLMSTED. Yes; the 60,000,000 acres.

Mr. STERLING. At that time did no individual in the Philippine Islands own title to land? Was their title entirely in the Spanish Government?

Mr. OLMSTED. Yes; thousands and thousands of acres of land; but these particular 60,000,000 acres were in the Spanish Crown.

Mr. STERLING. That land was outside of land owned by individuals?

Mr. OLMSTED. None of it was or ever had been in private ownership.

Mr. STERLING. Was it under cultivation?

Mr. OLMSTED. No; it was not. There may have been some occupants on it, some of what we would call "squatters," and some tenants perhaps, but the provision was made in the act of 1902 that they might acquire the lands which they were occupying.

Mr. GARRETT. Will the gentleman permit me one thing further in answer to the suggestion made by his colleague [Mr. BUTLER] a few moments ago as to the reason of the apprehension of the Filipinos?

As I understand, they are twofold. One is, as stated by the gentleman, the fear that it will interrupt the coming of independence, and the other is, as I understand it, the fear that it will lead back to the very same condition that brought about the necessity for the purchase of these lands a few years ago; that is, the ownership in large bodies.

Mr. OLMSTED. There is not the slightest danger of that. The trouble at that time was that these lands were owned by three orders of friars, to whose membership, I believe, no native priest was admitted. They had great influence in their respective municipalities, and they exerted it altogether in favor of Spain and against the people of the islands when they were in insurrection against Spain. That aroused opposition. They threw some of these priests into prison, some of them were killed, and others they drove into Manila, where the Americans found them when they came to occupy the islands. There is not the slightest danger of the lands going back into their hands again.

Mr. GARRETT. Let me say, I do not think the Filipinos fear they will go back into the hands of the friars again, or into the hands of the religious orders, but one of the troubles was the ownership of these lands in large quantities by these orders, and the Filipino people are apprehensive that the ownership by any other agency, industrial as well as religious, may bring about again the same trouble.

Mr. OLMSTED. Such trouble can never come again. It is gone forever. There were 160,000 people living on friar lands. They would not pay rent. They would not acknowledge the ownership of the friars. They disputed title. That has all been done away with. The Philippine Government borrowed \$7,000,000



and bought the lands from the friars. Its title is not in dispute. The question now is how to dispose of the lands so that the Government may get its money back. I think it is best for the islands to dispose of them so that they will be developed and be productive and furnish good living or good wages to the people of the islands.

Mr. J. M. C. SMITH. I would like to inquire whether or not the same limitations are placed upon the other public lands as are sought to be imposed upon these friar lands by this bill?

Mr. OLMSTED. On the public lands which the United States gave to the Philippines—some 60,000,000 acres—we did impose the condition, when we gave them to them, that they could sell only 40 acres to an individual.

Mr. LONGWORTH. Does the gentleman know whether the action of the commission in vetoing this act passed by the general assembly was unanimous?

Mr. OLMSTED. I never heard of the bill, except as stated by the gentleman from the Philippine Islands [Mr. QUEZON].

Mr. QUEZON. I am aware of the fact that the commission opposed the bill, because the commission believes in selling these lands in large tracts. Moreover, for several years they have been recommending to Congress that the limitation imposed by the organic act on the sale of public lands be removed.

Mr. BUTLER. They want to sell in larger tracts?

Mr. JONES. The commission wants to be given a free hand in the matter of the sale of both the public lands and the friar lands.

Mr. LONGWORTH. Without limit?

Mr. JONES. Without limit.

Mr. OLMSTED. I think that statement is without authority.

Mr. JONES. They wish the present limitations removed on both public and friar lands.

Mr. OLMSTED. They have proposed limitations.

Mr. QUEZON. Ten thousand acres.

Mr. OLMSTED. Six thousand hectares to corporations, 500 hectares (1,250 acres) to an individual. Let us get somewhere near accuracy. Here is the report in my hand.

Mr. JONES. There have been several reports. Every year they make some recommendation, and when Mr. Worcester, the secretary of the interior, under whose department these lands are sold, was here he urged the taking off of these limitations. The commission, I will say in reply to the question of the gentleman from Ohio [Mr. LONGWORTH], will never consent to such a measure as that which passed the assembly. I do not know just what the vote was, because four of the nine of the commission are Filipinos, but the majority of them are Americans; and they were all opposed to it, every one of them.

Mr. LONGWORTH. That is the reason I asked whether or not the position taken was unanimous, considering the make-up of the assembly.

Mr. OLMSTED. Let me answer the question. This answers partly the question of the gentleman from Ohio [Mr. LONGWORTH], the gentleman from Virginia [Mr. JONES], and the gentleman from the Philippine Islands [Mr. QUEZON]. I hold in my hand the report of the Philippine Commission, and they do recommend the raising but not the entire removal of the limit on the sale of public lands. This is their language; their recommendation:

Fifth. That the amount of land which may be acquired, owned, and used for agricultural purposes in the Philippine Islands by any corporation be extended to 6,000 hectares.

Sixth. That the amount of land allowed to be taken up by any person under the homestead law be increased from 16 to 50 hectares; that the amount that individuals may purchase from the Government be increased to 500 hectares; and that the amount allowed to be sold or conveyed to corporations or associations of persons be increased from 1,024 hectares to 6,000 hectares.

Mr. JONES. That is 15,000 acres.

Mr. OLMSTED. Yes; for corporations. One thousand two hundred and fifty acres for an individual. Now, I was asked whether they were unanimous. This report is signed by W. Cameron Forbes (president), Newton W. Gilbert, Dean C. Worcester, Gregorio Areneta, Rafael Palma, Juan Sumulong, Charles A. Branagan, and Charles B. Elliott; all the Filipino members joined in that unanimous report.

Mr. WILLIS. What is the date of that report?

Mr. OLMSTED. November 22, 1910.

Mr. QUEZON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from the Philippines?

Mr. OLMSTED. I do.

Mr. QUEZON. Mr. Speaker, I would like to inform the House that those four Filipino members of the commission are appointed and therefore they feel that they have to support the policy of the administration.

Mr. BUTLER. Who appoints them?

Mr. QUEZON. The President of the United States.

Mr. OLMSTED. The gentleman does not deny that they are very intelligent gentlemen, does he?

Mr. QUEZON. No, sir; I do not.

Mr. OLMSTED. And the gentleman does not impugn their character?

Mr. QUEZON. Not at all. But the gentleman from Pennsylvania will realize that men are liable to consider their private interests in every question, no matter whether they are Filipinos or Spaniards or Americans or Germans, and these gentlemen, being appointed by the administration, are more or less under the impression that to remain in their position they have to support the policy of the Government. [Laughter.]

Mr. OLMSTED. That is the gentleman's assumption, but I do not think that any one of them was ever removed or threatened with removal for failing to agree or vote with the American members of the commission, and it is a fact that they do not always agree.

Mr. JONES. It may be an assumption, but it is a pretty reasonable one. [Laughter.]

Mr. OLMSTED. As to that, let me call your attention to the case of the United States internal-revenue collector who, although openly opposing President Taft for reelection, was not only not removed from that position, but, his term expiring, he was actually reappointed a few days ago; and I ask the gentleman from the Philippines if he has ever known of a Filipino official in that country being discriminated against or intimidated in any way by the administration?

Mr. QUEZON. I do not say that. I simply say that it is natural and human to be influenced by those to whom we owe our position.

Mr. TOWNER. Mr. Speaker, will the gentleman yield for a statement?

Mr. OLMSTED. Certainly.

Mr. TOWNER. Lest Members get the idea that the commission has the right to dispose of these lands alone, is it not true that these lands can not now be disposed of without the act of the lower assembly of the Philippine Islands, which is composed of Filipinos elected by their people?

Mr. OLMSTED. The organic act provides that these lands shall be disposed of only in accordance with laws passed by the Philippine Legislature.

Mr. TOWNER. And the effect of this law is to limit the right of the Filipinos themselves to dispose of their own property?

Mr. OLMSTED. That is what the pending bill would do.

Mr. QUEZON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from the Philippines?

Mr. OLMSTED. Certainly.

Mr. QUEZON. The effect of this bill will be for Congress to do what the Filipinos want to do, and what they are not allowed to do. [Applause.]

The SPEAKER. Before the gentleman from Pennsylvania [Mr. OLMSTED] resumes, the Chair wants to admonish Members that when they desire to interrupt a gentleman who has the floor they should rise and address the Chair. There is not anything so calculated to produce confusion as for a Member to sit in his seat and interrupt a Member on the floor, because the Member who is making the speech can not hear half the time and know what the other gentleman says. I take occasion at this moment, when nobody is sitting in his seat and interrupting, to make that announcement.

Mr. OLMSTED. Now, Mr. Speaker, to show the operation of this bill should it become a law, I have already stated, and I state again, that during the 10 years ending December 30, 1910, the Philippine Government was able to make only 52 sales of public land to individuals under the conditions which the organic act imposed upon them. They have sold 82 tracts of friar lands in excess of 16 hectares.

Here is a complete table showing all of them:

*Friar lands sales of more than 16 hectares to one person.*

Purchasers.	Estate.	Total area.	Price.
		Hectares.	
Adriana Sevillana.....	Banilad.....	19	P1,184.58
Victoria Rallos.....	do.....	25	1,500.84
Juan P. Gordoro.....	do.....	18	25,995.91
Anacleto Reyes.....	Dampol.....	39	6,633.97
Jacinto Ycasiano.....	do.....	26	4,869.13
Augustin Mariano.....	do.....	39	6,964.26
Policarpo de Jesus.....	do.....	20	3,679.22
Pedro G. Gonzales.....	do.....	59	10,929.41
Monica Galvez.....	do.....	63	11,764.09
Claro Castro.....	do.....	24	4,818.11
Lazaro Buktaw.....	do.....	43	7,644.14
Manuel Casal.....	do.....	127	24,372.71



## Friar lands sales of more than 16 hectares to one person—Continued.

Purchasers.	Estate.	Total area.	Price.
		Hectares.	
Conrado Ayllon.....	Dampol.....	44	P8,114.78
Eustaquio Avendaño.....	do.....	65	12,306.07
Antonio Alva.....	do.....	20	3,577.86
Gervacio Alejandrino.....	do.....	37	7,001.00
Benigno Angelo.....	do.....	38	6,708.00
Juan Alano.....	Guiguinto.....	26	5,015.44
Cayetano Bernardo.....	do.....	27	5,803.38
Pedro Bernardo.....	do.....	19	4,038.00
Doroteo Bulsaong.....	do.....	17	3,583.88
Pedro Dimagiba.....	do.....	19	3,877.00
Pedro Figueroa y Manalo.....	do.....	17	3,194.98
Rosenda Mendoza.....	do.....	53	10,163.04
Andres Pascual.....	do.....	19	3,621.99
Martina Rodrigo.....	do.....	29	6,037.91
Geronimo Angeles.....	Malinta.....	16	2,270.18
Remigio Bautista.....	do.....	29	2,967.64
Marcelo Buenaventura.....	do.....	41	5,784.12
Arcadio Constantino.....	do.....	31	7,445.32
Patricio Cuerpo.....	do.....	30	6,295.64
Esteban Daes.....	do.....	46	9,926.26
Faustino Duke.....	do.....	25	5,068.18
Raymundo Duran.....	do.....	16	2,800.72
Estanislao Francisco.....	do.....	17	1,360.72
Florencio Gregorio.....	do.....	16	2,156.96
Patricia Miranda.....	do.....	37	13,136.20
Roman Ramos.....	do.....	19	2,795.12
Nemesio Delfin Santiago.....	do.....	49	9,266.42
Gualberto Santos.....	do.....	18	2,527.16
Pascuala Serrano.....	do.....	39	6,748.38
Tiburcio Serrano.....	do.....	22	3,937.76
Rufino D. Valenzuela.....	do.....	21	3,875.00
Joaquina Lanson.....	Orion.....	19	3,078.93
Vicente Rodriguez.....	do.....	22	3,493.82
Esperanza Monjon.....	do.....	21	2,753.72
Macario Santos.....	do.....	74	1,244.37
F. J. Banya and Joseph Pollacek.....	Muntinlupa.....	308	10,740.32
Estanislao Espeleta.....	do.....	42	2,933.40
Bayanan plantation syndicate.....	do.....	123	4,133.00
E. L. Poole.....	San Jose.....	22,484	734,000.00
Francisco Mendoza.....	San Marcos.....	87	14,839.50
Leonardo Alagabra.....	Santa Rosa.....	23	5,988.76
Francisca Almeda.....	do.....	72	15,968.09
Petronila Almodovar.....	do.....	15	3,653.52
Francisco Arambulo.....	do.....	20	5,572.52
Florencio Baillon.....	do.....	24	5,189.72
Angel Bantatua.....	do.....	33	7,574.40
Sotero Battallanes.....	do.....	24	4,702.44
Narciso Batiller.....	do.....	66	13,126.80
Doroteo Carteciano.....	do.....	60	9,794.32
Gregorio Carteciano.....	do.....	36	8,907.80
Petrona Gomez.....	do.....	17	4,232.88
Antonio Gonzales.....	do.....	35	8,530.76
Francisco Gonzales.....	do.....	18	4,475.80
Ursula de Guzman.....	do.....	47	11,995.80
Teodorico Layon.....	do.....	18	4,621.24
Marcelo Leyco.....	do.....	20	5,070.84
Antonio Lijauco.....	do.....	22	5,762.64
Emilio Lijauco.....	do.....	36	8,510.36
Teodora Lijauco.....	do.....	24	6,424.20
Nicolas Limnaco.....	do.....	19	3,732.09
Maria Manguerra.....	do.....	22	5,248.36
Z. K. Miller.....	do.....	66	12,774.64
Tomas Nepomoceno.....	do.....	29	7,726.32
Pablo Perlas.....	do.....	46	10,010.32
Pedro Perlas.....	do.....	121	23,542.62
Viturina de los Reyes.....	do.....	34	7,376.16
Delfin Vallejo.....	do.....	32	8,180.36
Ponciano Vallejo.....	do.....	16	369.40
Andres Zavalla.....	do.....	120	29,929.78
Angel Zavalla.....	do.....	51	11,849.68

Of the 82 persons who have thus purchased more than 16 hectares each of friar lands, 78 are Filipinos and 4 are Americans. Four hundred and ninety-two persons have outstanding leases of more than 16 hectares each of friar lands. Four hundred and seventy-five of such lessees are Filipinos, 15 are Americans, and 2 Englishmen. The most of these leases are for one year. A few of them are for shorter (p. 208) and a few for longer periods. Some of them contain specific options to purchase, as in the case of Gen. Emilio Aguinaldo, who acquired possession of 1,050 hectares under a lease with an option to purchase, and as construed by the officials of the Philippine Government every lease of friar lands involves an option to purchase. If any of these sales or leases in excess of 16 hectares to one person were illegal they were all illegal, whether the purchasers were Filipinos or Americans.

The first on the list is a sale of 19 hectares. There was a little tract of 19 hectares. Would any principle of government have been subverted by requiring that those 3 in excess of 16 hectares should be lopped off?

Mr. JONES. Will the gentleman permit me to call his attention to a matter?

Mr. OLMSTED. Yes.

Mr. JONES. I have noticed what you say in your minority report on that subject. The gentleman will recall what sec-

tion 65, which provides for the disposition of these friar lands, has to say on that subject. It says:

Such settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said Government.

Now, that 19 hectares of land to which the gentleman refers was the "holding" of a Filipino. It was in his possession, and the law expressly provides that settlers and occupants shall be permitted to purchase their holdings. The purchases of small tracts in excess of 16 hectares, to which the gentleman directs attention, were made by settlers and occupants, and such purchases were authorized by section 65.

Mr. OLMSTED. That is the statement of the gentleman, and undoubtedly his belief; but the gentleman does not know that to be a fact. I might just as well say it is not a fact as for him to say it is.

Mr. JONES. I know it is a fact as well as I can know anything that has been told me by others.

Mr. TOWNER. That is as to that individual instance, but not as to all those other sales. Would the gentleman say that?

Mr. JONES. I mean to say that so far as I know to the contrary every one of those small sales to natives was a sale to a man in possession of the land at the time.

Mr. TOWNER. The gentleman says so far as he knows to the contrary, but has he information which will enable him to say?

Mr. JONES. I do not think there is a single exception.

Mr. OLMSTED. Can the gentleman, without looking at the report, name to me a single native who purchased the land which he was occupying?

Mr. JONES. I can not give names of these natives any more than the gentleman can. He can not even pronounce the names of the natives he has in the report before him.

Mr. OLMSTED. I can pronounce some of them.

Mr. LONGWORTH. This bill would prevent any Filipino who owned 41 acres of land selling that 41 acres hereafter to another Filipino, would it not?

Mr. OLMSTED. No. It would prevent the Government selling more than 40 acres. If the Government had a tract of 41 acres, it could not sell more than 40 acres. I do not know what it could do with the other acre.

Mr. LONGWORTH. Anyone who owned 41 acres of the friar lands could not sell that.

Mr. OLMSTED. He could not sell it for five years after purchasing, that is sure. Now, I want to make a further suggestion to the gentleman from Virginia [Mr. JONES] that if his construction of section 65 is right, then even lands held by the occupant would be subject to the limitations of the act, or, as he says, the 40-acre limitation applied to the public lands.

Mr. JONES. What limitations does the gentleman refer to?

Mr. OLMSTED. If sales of the friar lands, under section 65, are limited at all to the conditions applicable to public lands, they are all applicable to holdings of more than 40 acres.

Mr. JONES. The gentleman has the act before him, and he knows that although this section provides that the land shall be disposed of according to the provisions of this act, the last sentence makes it clear that settlers and occupants of friar lands shall be permitted to purchase their holdings. An exception is expressly made in favor of settlers and occupants.

Mr. OLMSTED. If it is inimical to the interests of the people that anybody shall buy more than 40 acres, why was it not just as objectionable for a man who had squatted on the land to buy more than 40 acres?

Mr. JONES. There is no law that prevents a man from owning over 40 acres. There is a law which prevents his buying from the Government over 40 acres.

Mr. OLMSTED. That is what I am talking about—buying from the Government.

Mr. JONES. This exception is not the only one in the law. I call the gentleman's attention to section 14, which provides that wherever, prior to December, 1908, a native was in the occupancy of land he was not limited to the 16 hectares.

Mr. OLMSTED. If the gentleman will read that, he will find he is entirely mistaken.

Mr. JONES. I wish to correct myself.

Mr. OLMSTED. I have already corrected the gentleman.

Mr. JONES. Section 14 provides that patents may be issued to any native for lands occupied by him prior to the 13th of August, 1898, but limits the quantity to 16 hectares. It also provides that those persons who held equitable interests in public lands prior to the transfer of sovereignty might perfect their titles to those lands. As to those lands, there is no limitation as to quantity. This, I think, is a correct statement of the law as set forth in section 14.



Mr. OLMSTED. There is no reference in section 14 to anything except the public lands, when it provides that title shall not be granted to any land for more than 16 hectares in extent.

But it is not worth while for the gentleman and myself to discuss the proper construction of section 65. The attorney general of the Philippines delivered a written opinion upon it. The Attorney General of the United States delivered an opinion upon it. Mr. Moorfield Story, a distinguished lawyer of Boston, delivered an opinion upon it; and in the report upon the friar-land investigation I had the honor to prepare an opinion which was signed by eight other members of the committee, which I will, if given permission, insert in my remarks here, showing my views and theirs upon the proper construction of section 65, and that it does not limit and was not intended to limit the sale of friar lands or to impose upon them the same conditions of nonalienation and nonencumbrance for five years, which apply to the sales of public lands. I have already pointed out that in 10 years the Government could sell less than 2,000 acres of the public land in 40-acre tracts, under these conditions of non-alienation and nonencumbrance for five years, while it had no difficulty in making a great many sales of the friar lands at greatly higher prices than the public lands were offered at. Friar lands in larger tracts sold at \$6 alongside of public lands which could not be sold at \$2 in \$40-acre tracts.

I was about to illustrate how the 40-acre tract limitation would operate on the friar lands. Here has been a sale—the third on the list—of 18 hectares of very valuable land at a price equal to \$722 an acre. Does anybody suppose they could have sold that at such a figure if they had to chop off 2 hectares? And what sort of a price could they have obtained from a separate and distinct purchaser for the 2 hectares? Here is a sale of 59 hectares and another of 127 hectares, and so on. It would have been impossible to have sold those lands if you had to cut them down to 16 hectares. They would not divide into 40-acre lots. It would have been impossible to sell them at any such price, and they could not have sold them at any reasonable price if the purchaser had to keep them five years before he could sell them or borrow money on them.

When this question of friar-land sales arose in the last Congress a committee was appointed to investigate it. The gentleman from Virginia [Mr. Jones] himself in his majority report upon this pending bill quotes from President Taft's message of December 21, 1911. The President said:

Pending an investigation by Congress at its last session, through one of its committees, into the disposition of the friars' lands, Secretary Dickinson directed that the friars' lands should not be sold in excess of the limits fixed for the public lands until Congress should pass upon the subject or should have concluded its investigation. This order has been an obstruction to the disposition of the lands, and I expect to direct the Secretary of War to return to the practice under the opinion of the Attorney General which will enable us to dispose of the lands much more promptly and to prepare a sinking fund with which to meet the \$7,000,000 of bonds issued for the purchase of the lands.

I call attention to this language: "This order has been an obstruction to the disposition of the lands." And now gentlemen propose by the passage of this bill to make the obstruction permanent. That will be the effect of this bill.

Mr. SULZER. Will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. SULZER. I know the gentleman from Pennsylvania has made a thorough investigation of the subject matter, and I would like to inquire whether the people in the Philippine Islands are in favor of enlarging the number of acres that may be purchased or keeping the law just as it is.

Mr. OLMSTED. The people of the Philippine Islands, as I am convinced—some of them—the few of them who have really considered this matter, are very much afraid, and impose upon others the belief, that if they are sold in large tracts the big trusts and corporations in the United States will gobble them up; that the people of the United States becoming interested there would fear that an independent Filipino Government would render their position less secure and would have sufficient influence with Congress to prevent the granting of Filipino independence.

But I do not think that the disposition of 125,000 acres (for that is all that is left of the unoccupied friar lands, and much of it could not be sold in very large tracts) will have any effect at all upon the question of Filipino independence. I think their fears are groundless. I do not think that any corporation or trust is going down there in any such way. In fact, corporations are, by the present law, limited to the ownership of 2,500 acres, and this bill does not touch that.

I think it would be a good thing for the islands if some one would establish one or more modern sugar centrales and be permitted to buy land enough to warrant in doing it. I believe it would be a good thing for the Filipinos to have an object lesson and learn the modern methods of making sugar.

They could learn to make it a great deal cheaper than they do now. Now they do not save over 60 per cent of the cane juice, whereas by the modern methods they could save 90 per cent.

Mr. SLAYDEN. Will the gentleman yield?

Mr. OLMSTED. I will.

Mr. SLAYDEN. Does the establishment of a sugar centrale depend on the purchase of a large body of land?

Mr. OLMSTED. No sane man would put up a centrale unless he had land enough to raise the cane so as to be assured of cane enough to run his plant.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent that the gentleman have sufficient time to conclude his remarks.

The SPEAKER. The gentleman from Pennsylvania asks that the time of the gentleman from Pennsylvania be extended so that he may finish his remarks. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Speaker, I appreciate the courtesy of my colleague and of the House.

Mr. SLAYDEN. Another question. My impression of a sugar centrale is that it is a mill prepared to grind or crush the cane and make sugar. It may raise that cane or it may be cane raised by the small farmers in the vicinity. That is done in some instances in the United States, and perhaps it is done in Cuba, but about that I am not informed. Can not that be done just as well in the Philippine Islands; can not the people living around the centrale raise the cane and sell it to the centrale?

Mr. OLMSTED. They could, but would they? That is the question that the party would want to be sure about before they put in the money to establish the centrale. We took a great deal of testimony before the Committee on Insular Affairs in regard to that when we had the Porto Rico question before us, and the unanimous testimony was that nobody would be justified in putting the requisite money into the construction of a centrale, which is very expensive, requiring elaborate machinery and in some cases a railroad running to the field so as to bring in the cane promptly, unless he had land enough to assure him of a sufficient quantity of cane.

They could not depend upon the natives to raise a sufficient supply, and therefore it was deemed wise in the case of Porto Rico to allow a limit of 3,000 acres. Secretary of War Dickinson thought that the limit ought to be 5,000, but we concluded to allow them 3,000, which would assure them of a reasonable amount of cane, and then it was our belief that it would be better to let them depend more or less upon the farmers for the rest. Porto Rico is a small island, and the sugar territory there is quite limited.

Mr. SLAYDEN. The gentleman would not advocate as a policy elsewhere than in the Philippines, perhaps, the acquisition of farming lands by corporations in such quantities that it would to some extent at least interfere with individual ownership of lands?

Mr. OLMSTED. It would not to such an extent that it would interfere with individual operations. Neither under this law nor under the present law can a corporation own more than 2,500 acres of land in the Philippines.

Mr. SLAYDEN. I am sure the gentleman will agree with the suggestion that it is better for any country to have the people interested in the ownership of the soil than to have the corporations own it and the people working for them as hired hands.

Mr. OLMSTED. As a general proposition that is true; but the owners of the soil, so far as sugar is concerned—and I am not saying whether sugar is to be raised in the Philippines or not—

Mr. SLAYDEN. I am assuming that it is.

Mr. OLMSTED. If it is, there must be sufficient capital to put up one of these centrales.

Mr. SLAYDEN. That is the manufacture of the farming product into sugar.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. JONES. Is it not true that the Mindoro Development Co., which owns only 2,500 acres of land, has gone to work and put up a magnificent sugar centrale and spent a great deal of money on wharves, harbors, and so forth?

Mr. OLMSTED. I am not advised as to that. I think they did have it in contemplation. Whether they have done it or not I do not know.

Mr. JONES. Oh, yes; they have erected it.

Mr. OLMSTED. If they did, they did it because they had made sure that they could get the cane from the owners of large tracts of land.



Mr. JONES. Because they made sure they could get the cane from Horace Havemeyer and his associates, who bought 56,210 acres of land adjoining them.

Mr. OLMSTED. If they have erected a centrale, I have no doubt they did it on some assurance of that kind. Otherwise they would not have been sane business men. My information is that it has not been constructed. I may be mistaken.

Mr. GARRETT. The gentleman is mistaken about that. It has been constructed.

Mr. JONES. Then they have the object lesson that the gentleman desired.

Mr. OLMSTED. I am glad that they have. It will be a good thing. I do not think that there is any sugar mill in Louisiana dependent entirely upon cane raised by other people. Such mills are invariably owned by those who also own a large acreage of cane-producing land. In Hawaii very large bodies of cane lands are owned by those who grind the cane, and it is so in Cuba and in Porto Rico, for the 3,000-acre limit did not pass the Senate.

Mr. FOWLER. Mr. Speaker, will the gentleman yield?

Mr. OLMSTED. I will.

Mr. FOWLER. I did not quite understand the gentleman as to whether the law is so specific as to confine the alienation of lands to citizens of the Philippine Islands.

Mr. OLMSTED. I have never put that construction upon it. The gentleman from the Philippine Islands, the Resident Commissioner [Mr. QUEZON], does put that construction upon it, and if I correctly understand the gentleman from Virginia [Mr. JONES], he puts that construction upon it. I do not.

Mr. FOWLER. Can that same construction be placed upon the alienation of the individual to the land that he may own?

Mr. OLMSTED. No; I think not.

Mr. FOWLER. The gentleman thinks the individual then may sell his land to a foreigner the same as to a resident?

Mr. OLMSTED. If he bought public land he could not sell it to anybody for five years after that, and then he could sell it to anybody he pleased, so far as the law now stands.

Mr. FOWLER. A resident or a foreigner?

Mr. OLMSTED. Yes.

Mr. FOWLER. Why not limit both the individual and the Philippine Government to the sale of land to the resident Filipino, or to the resident of the Philippine Islands?

Mr. OLMSTED. If that is a desirable thing to do, the gentleman may suggest it in the form of an amendment. I do not agree to support it, however.

Mr. FOWLER. Does the gentleman not think it advisable that the citizen own the land instead of the foreigner?

Mr. OLMSTED. I believe since the gentleman asks me that it would be a good thing for the Filipinos, if they could induce industrious American citizens to go there and invest a reasonable amount of capital in development of the islands, and in showing them modern processes of agriculture in which they are very backward and deficient. I do not know that I would want to be one of the Americans to go, but I think it would be a splendid thing for them to encourage residents of this country or England or any other country to go there and help them to make the islands as prosperous as the fertility of the soil entitles them to be.

Mr. FOWLER. Ought not such people to become citizens of the Philippine Islands if they want to own the real estate there?

Mr. OLMSTED. Well, I do not know that they would want to stay there a long time before they could acquire even 40 acres.

Mr. FOWLER. Is it not better that the land should lie unimproved and without value to the citizen than to sell it to a foreigner, although he might improve it?

Mr. OLMSTED. That question does not necessarily arise in the consideration of this bill, but I think it would do more good to the Filipinos to get some intelligent, sturdy, honest foreigner in there to show them how to farm.

Mr. FOWLER. But does the gentleman think they ought to give up their lands and homes for that purpose?

Mr. OLMSTED. There is no danger of that. There is ten times as much land there as the Filipinos will cultivate—land enough to support 50,000,000 people.

Mr. JONES. Will the gentleman yield?

Mr. OLMSTED. I will.

Mr. JONES. The question I wish to ask my friend from Pennsylvania is this: He said in reply to the gentleman from Illinois that Mr. QUEZON, the Commissioner from the Philippines, held that these lands could only be sold to natives. He did not mean to say by that that Mr. QUEZON was the only one who held that opinion?

Mr. OLMSTED. No; I distinctly said that, if I correctly understood the gentleman from Virginia, he had expressed that opinion.

Mr. JONES. And all the minority members of the Committee on Insular Affairs of the Sixty-first Congress who signed the minority report, and the three majority members who signed the report written by Judge Madison, took that view. Judge Madison was very strong and emphatic in his declaration that under the law nobody but natives could hold the land.

Mr. OLMSTED. If that is the law, it ought to be changed. I do not think that the people of the United States, who gave 60,000,000 acres to the people of the Philippines, ought to be deprived of the small privilege of purchasing 40 acres, if they want it.

Mr. JONES. I am not discussing the wisdom of the law.

Mr. OLMSTED. Mr. Speaker, it is not my intention to occupy more time of the House. I am not in favor of having the lands of the Philippine Islands exploited in the offensive sense of that term, in the objectionable sense in which we generally use and understand it, but I do not believe there is the slightest danger of that. There are 60,000,000 acres of public lands tied up with these restrictions.

Mr. SLAYDEN. May I ask the gentleman how much of that is arable land, if I may be permitted to do so?

Mr. OLMSTED. If the gentleman means by that land which could be cultivated, I suppose almost all of it could.

Mr. SLAYDEN. Well, how much land is there in the Philippines altogether in acreage?

Mr. OLMSTED. There are more than 115,000 square miles. I should say seventy to eighty million acres.

Mr. SLAYDEN. And 60,000,000 acres of it nearly all arable. Is not an enormous percentage of that area rocky and untillable?

Mr. OLMSTED. On the mountain tops there is a considerable part that probably could not be cultivated.

Mr. SLAYDEN. My information has been that a large part of the islands of the archipelago are small islands that are rocky, that have no soil on them at all of any consequence.

Mr. OLMSTED. A Government officer who has just visited the Philippines has reported upon the wonderful fertility of those lands. Of this 60,000,000 acres of public land much of it is very fertile.

Mr. SLAYDEN. The percentage of that which may be cultivated is a question in my mind.

Mr. OLMSTED. There are certainly a great many more millions of acres which could be readily cultivated than have ever been cultivated in the past 400 years.

Mr. SLAYDEN. My friend says his information is that 20,000,000 acres of the 60,000,000 acres are tillable agricultural lands.

Mr. DICKINSON. In the majority report, out of 60,000,000 acres 20,000,000 acres are classed as agricultural land.

Mr. OLMSTED. What report is that?

Mr. DICKINSON. The majority report.

Mr. OLMSTED. I do not accept that as correct. There is much of this land which to the casual observer might not seem arable but on which coconut trees can be raised, and they are the most profitable crop on the islands. The rubber plant grows wild and can be cultivated so as to be a profitable crop.

Mr. DICKINSON. I am simply calling the attention of the gentleman to the majority report with respect to the number of acres of agricultural land.

Mr. OLMSTED. Mr. Speaker, I must not trespass further upon the time and courtesy of the House. I have already pointed out how difficult, how impossible of sale, the passage of this bill would make these 125,000 acres of vacant friar lands—how impossible it would be for the Philippine Government to reimburse itself to meet its obligations incurred in their purchase. The islands are sufficiently protected from exploitation by the existing limitations upon the 60,000,000 acres of public lands. These 125,000 acres of unsold friar lands are in different islands and scattered through six different Provinces, and they are in irregular tracts, not readily divisible into 40-acre lots, and not salable in such lots.

Why should we impose upon the Philippine Government a restriction upon the sale of its own lands, which it purchased with its own money, the proceeds of its own bonds, for the payment of which it must provide?

These were private lands for many decades before the Spanish War, and it is only fair that the Philippine Government, which bought and paid for them, shall be permitted to realize upon them as soon as possible upon such terms and conditions as its own legislature may prescribe.



If Congress is to fix any limitation at all upon the sale of these friar lands, it ought to be along some reasonable lines, so as not to split up either small tracts or large ones into unsalable fractions; and there is certainly no reason in the world which anybody can give why a person, having purchased and paid for 40 acres of land, shall not be permitted to sell them if he so desires, or mortgage them so as to raise money to cultivate and improve them.

To place upon the sale of these friar lands the same limitations and restrictions now imposed upon the sale of the public lands is substantially to deny to the Philippine Government the right to sell its own property and to deprive it of the means of discharging its own obligations.

The protection of the Philippine Islands from exploitation is already accomplished in the restriction of 60,000,000 acres of public lands to sales in tracts of 40 acres each. The disposition of the friar lands is purely a matter of business. No great question of public policy is involved except the policy of converting them into cash as speedily as possible.

The sale of 125,000 acres in tracts considerably larger than 40 acres would not have a tendency to disturb any settled policy or to overthrow any great principle of government; but to put upon the sale of these friar lands the restrictions and onerous conditions sought to be imposed by this bill would practically prevent their sale and work a wholly unnecessary and inexcusable injustice upon the Filipino people.

I submit that the Philippine Government ought to be permitted to dispose of its own lands as it shall see fit. [Applause.] The existing law does not limit the sale of friar lands, but leaves that matter entirely to the Philippine Legislature. Under permission of the House I here insert as part of my remarks the following section of the report which, on behalf of the Committee on Insular Affairs, I had the honor to present to the House March 3, 1911:

CERTAIN SECTIONS OF THE ACT OF CONGRESS APPROVED JULY 1, 1902, DEAL SPECIFICALLY WITH LANDS ACQUIRED BY THE UNITED STATES UNDER THE TREATY OF PEACE WITH SPAIN, AND CONSTITUTING THE PUBLIC DOMAIN OF THE UNITED STATES IN THE PHILIPPINE ISLANDS. DO THE PROVISIONS OF THOSE SECTIONS APPLY ALSO TO THE FRIAR LANDS, WHICH DO NOT NOW, AND NEVER DID, BELONG TO THE UNITED STATES, BUT AT THE TIME OF THE PASSAGE OF SAID ACT WERE IN PRIVATE OWNERSHIP, AND BY SUBSEQUENT PURCHASE BECAME THE PROPERTY OF THE GOVERNMENT OF THE PHILIPPINE ISLANDS?

The act of Congress entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," approved July 1, 1902, and commonly called "The organic act," is a very long act, divided into 88 sections, covering a great variety of subjects.

Certain of these sections relate specifically to lands in the Philippine Islands belonging to the United States, having been acquired by our Government from the Spanish Crown under the treaty of Paris. Those which need be considered here are sections 12 to 17, both inclusive, which read as follows:

"Sec. 12. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December 10, 1898, except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the Government of said islands to be administered for the benefit of the inhabitants thereof, except as provided in this act.

"Sec. 13. That the government of the Philippine Islands, subject to the provisions of this act and except as herein provided, shall classify according to its agricultural character and productiveness, and shall immediately make rules and regulations for the lease, sale, or other disposition of the public lands other than timber or mineral lands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President, and when approved by the President they shall be submitted by him to Congress at the beginning of the next ensuing session thereof, and unless disapproved or amended by Congress at said session they shall at the close of such period have the force and effect of law in the Philippine Islands: *Provided*, That a single homestead entry shall not exceed 16 hectares in extent.

"Sec. 14. That the Government of the Philippine Islands is hereby authorized and empowered to enact rules and regulations and to prescribe terms and conditions to enable persons to perfect their title to public lands in said islands, who, prior to the transfer of sovereignty from Spain to the United States, had fulfilled all or some of the conditions required by the Spanish laws and royal decrees of the Kingdom of Spain for the acquisition of legal title thereto, yet fail to secure conveyance of title; and the Philippine Commission is authorized to issue patents, without compensation, to any native of said islands, conveying title to any tract of land not more than 16 hectares in extent, which were public lands and had been actually occupied by such native or his ancestors prior to and on the 13th of August, 1898.

"Sec. 15. That the Government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands of the United States in said islands, as it may deem wise, not exceeding 16 hectares to any one person, and for the sale and conveyance of not more than 1,024 hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto, but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents.

"Sec. 16. That in granting or selling any part of the public domain under the provisions of the last preceding section, preference in all cases shall be given to actual occupants and settlers; and such public lands of the United States in the actual possession or occupancy of any native of the Philippine Islands shall not be sold by said Government to any other person without the consent thereto of said prior occupant or settler first had and obtained: *Provided*, That the prior right hereby secured to an occupant of land, who can show no other proof of title than possession, shall not apply to more than 16 hectares in one tract.

"Sec. 17. That timber, trees, forests, and forest products on lands leased or demised by the Government of the Philippine Islands under the provisions of this act shall not be cut, destroyed, removed, or appropriated except by special permission of said Government and under such regulations as it may prescribe.

"All moneys obtained from lease or sale of any portion of the public domain or from licenses to cut timber by the Government of the Philippine Islands shall be covered into the insular treasury and be subject only to appropriation for insular purposes according to law."

It is clear that, standing by themselves, these sections do not deal with private lands or with lands which then were, or might thereafter become, the property of the Government of the Philippine Islands. Their operation is, by their very terms, confined to "property and rights which have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain" (sec. 12); "public lands" (sec. 13); "public lands in said islands which had been the subject of transfer of sovereignty from Spain to the United States" (sec. 14); "the public domain" of the United States in said islands" (sec. 15); "public lands of the United States" (sec. 16); "public domain" (sec. 17).

The terms "public domain" and "public lands," when used in an act of Congress without qualifying words, are always descriptive of property of the United States, and no other.

The sections quoted do not in themselves contain any reference to the so-called friar lands, which were not the property of the Spanish Crown; were not acquired by our Government under the treaty of peace; and do not now, nor ever did, constitute any portion of the "public land" or "public domain of the United States." The friar lands were, at the time of the treaty of peace, and at the time of the passage of the act of Congress of 1902, in private ownership. Some six years after the treaty of Paris, and two years after the passage of the organic act, they were purchased by the Philippine Government in pursuance of authority contained in sections 63, 64, and 65, as follows:

"Sec. 63. That the Government of the Philippine Islands is hereby authorized, subject to the limitations and conditions prescribed in this act, to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain.

"Sec. 64. That the powers hereinbefore conferred in section 63 may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the 13th of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as in the opinion of the commission injuriously to affect the peace and welfare of the people of the Philippine Islands. And for the purpose of providing funds to acquire the lands mentioned in this section said Government of the Philippine Islands is hereby empowered to incur indebtedness, to borrow money, and to issue, and to sell at not less than par value, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands, upon such terms and conditions as it may deem best, registered or coupon bonds of said Government for such amount as may be necessary; said bonds to be in denominations of \$50 or any multiple thereof, bearing interest at a rate not exceeding 4½ per cent per annum, payable quarterly, and to be payable at the pleasure of said Government after dates named in said bonds, not less than 5 nor more than 30 years from the date of their issue, together with interest thereon, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands; and said bonds shall be exempt from the payment of all taxes or duties of said Government, or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under State, municipal, or local authority in the United States or the Philippine Islands. The moneys which may be realized or received from the issue and sale of said bonds shall be applied by the Government of the Philippine Islands to the acquisition of the property authorized by this section, and to no other purposes.

"Sec. 65. That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the Government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said Government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act: *Provided*, That all deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment of said lands by the preceding section, and said deferred payments shall bear interest at the rate borne by the bonds. All money realized or received from sales or other disposition of said lands or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said Government."

Nowhere in these sections are the friar lands spoken of as "public lands" or as constituting "parts and portions of the public domain of the United States in said islands."

Section 64 authorized the Philippine Government to purchase the lands of the religious orders and, for the purpose of providing the necessary funds, to issue and sell bonds, the proceeds thereof to be applied to the acquisition of the said lands and to no other purpose.

Section 65 authorizes the Philippine Government to sell all lands acquired by virtue of the preceding section "on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act," and requires all moneys realized from said sales to be placed in a trust fund or sinking fund for the payment of the principal and interest of said bonds. Does the phrase "subject to the limitations and conditions provided for in this act" bring forward and extend to these friar lands, purchased by the Philippine Government with its own money, and for which it is to reimburse itself out of the proceeds of their sales, all the restrictions placed by sections 12 to 17 upon the acquisition of lands belonging to the United States, but which that Government was practically giving away for the benefit of the Filipino people in the manner and upon the terms it chose to adopt for that purpose? Does that language extend to the friar lands owned



by the Philippine Government the provisions of those sections which, standing by themselves, deal only with lands owned by the United States? The Philippine Legislature and the Philippine officials did not so construe it.

Section 15 of the organic act required legislation by the Philippine Government providing for the sale of public lands of the United States. Section 65 required legislation prescribing terms and conditions for sales of friar lands belonging to the Philippine Government. The Philippine Legislature passed Act No. 926, entitled "The public-lands act," which was amended by Act No. 979, approved October 7, 1903. The second chapter of this act limited the purchase of public lands by a corporation to 1,024 hectares and by an individual to 16 hectares, and it provided that "no association of persons not organized as above and no mere partnership shall be entitled to purchase a greater quantity than will equal 16 hectares for each member thereof." Subsequently the legislature passed Act No. 1120, known as the "friar-lands act," in the preamble of which it is set forth that "the said lands are not 'public lands' in the sense in which those words are used in the public-land act \* \* \* and can not be acquired or leased under the provisions thereof, and it is necessary to provide proper agencies for carrying out the terms of said contract of purchase and the requirements of said act of Congress with reference to the leasing and selling of said lands and the creation of a sinking fund to secure the payment of the bonds so issued."

The ninth section of this so-called friar-lands act required of the chief of the bureau of public lands that "in making such sales he shall proceed as provided in chapter 2 of the public-lands act." This was properly construed by the Philippine officials as imposing the same limitations upon the sale of friar lands as had been in their public-lands act imposed upon the sale of public lands. It was very soon discovered that friar lands could not be sold to any considerable extent under such conditions; therefore, by the Philippine Act No. 1847, approved June 3, 1908, the friar-lands Act No. 1120 was so amended as to remove the obligation to follow the terms of the public-lands act, and thus to remove its restriction upon the amount of friar lands that might be sold to a single purchaser.

Section 86 of the organic act requires "that all laws passed by the Government of the Philippine Islands shall be reported to Congress, which hereby reserves the power and authority to annul the same." In pursuance of that requirement, the acts above mentioned, both original and amendatory, were duly certified to Congress, which has taken no action thereon.

The change in the Philippine law touching friar lands is fully explained in volume 8 of the Annual Report of the Secretary of War for 1908, at page 48, Part II, in the following language:

"Certain important amendments to the friar-land act have been made. This act made the provisions of chapter 2 of the public-land act apply to sales of friar lands. The amount of land which could be sold to an individual was thus limited to 16 hectares, which would in very many cases have defeated the obvious intention of the act to allow tenants to secure their actual holdings, and would have delayed for many years the sale of large tracts, thus obliging the Government to continue to pay interest on their purchase price. The provision of the public-land act that surveys should be in regular subdivisions was entirely impracticable on occupied friar estates on account of the very irregular form of actual holdings.

"The further requirement for advertising after application for purchase had been made imposed an entirely needless and unwarranted expense of \$20 to \$100 on each purchaser, and the most liberal arrangement relative to payment possible was that it should be made in one installment, after five years, with interest at 6 per cent.

"Under the law as amended there is no limit as to the amount of land which may be purchased."

The report of the Secretary of War, embodying the report of the Philippine Commission and including the language quoted, was submitted to Congress by President Roosevelt in December, 1908. Thus that construction of the law was given full publicity, not only in the Philippine Islands but in the United States, prior to the commencement of the present administration and long prior to any negotiations by anybody for the purchase of the San José estate.

If the phrase "subject to the limitations and conditions provided for in this act," appearing in section 65 of the organic act, renders the friar lands subject to the conditions found in section 15, by the same reasoning the friar lands must be subject to the provisions of all the sections touching public lands. Among them is section 13, which provides that "a single homestead entry shall not exceed 16 hectares in extent." Was it intended that the friar lands purchased by the Philippine Government with borrowed money to be repaid out of the proceeds of their sales should be subject to homestead entry? Section 14 requires that patents shall be issued without compensation, "conveying title to any tract of land not more than 16 hectares in extent which were public lands and had been actually occupied by said native or his ancestors prior to August 13, 1898." While the San José estate and one or two others were practically untenanted, the most of the friar lands were occupied by natives or their ancestors prior to August 13, 1898. All of the most valuable of the friar lands were thus occupied. Was it the intention of the organic act that the Philippine Government should be compelled to issue patents to these friar lands without compensation? If so, the requirement that the proceeds of sale should be placed in a sinking fund for the repayment of the bonds was of very little value.

Section 14 also limits the former occupant of public lands to the acquisition of not more than 16 hectares; but section 65, relating to friar lands, declares that "actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said Government." Had Congress intended to limit the preference of such occupants of friar lands to 16 hectares, would not that limitation have been clearly expressed as in the case of public lands? Does not the use of the term "their holdings" indicate an intention to give them the preference and the right to acquire their entire holdings, whether more or less than 16 hectares?

In the table above given there appear the names of many tenants who have acquired title to lands previously occupied by them in amounts exceeding 16 hectares each.

If the limitations of section 15 apply to all the lands acquired by the Philippine Government under section 65, they must apply to all lands so acquired. Was it the intention of Congress to cut up, distribute, and impair these tenant holdings of friar lands by clipping off here and there the hectares in excess of 16? If tenants holding 20, or 30, or 40, or more hectares and given the privilege over all others "to

lease, purchase, or acquire their holdings" are limited in that preference and in that purchase or acquisition to 16 hectares, then to which particular 16 hectares does the preference and the right of acquisition extend? From which particular hectares are other persons excluded from purchase? By holding off for a term of years such tenant might hold a hundred or a thousand hectares against all the world, and then finally have the right to purchase only 16 himself.

Mr. Storey, in his opinion, cites parts of sections 65 and 15, respectively, but in each instance omits the proviso which is a very important part of the section. Thus the proviso to section 15 provides, as to public lands, "that the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto, but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents. If any part of that section applies to friar lands, it all applies. Congress, as already stated, has practically required the Philippine Government to acquire these lands, in the purchase of which it incurred an indebtedness of \$7,000,000 and an annual interest charge of \$280,000. Section 65 contemplates that the proceeds of sales of these lands shall be used to meet these interest charges and pay the principal of the bonds. Is it reasonable to suppose that Congress intended not only to limit each sale to 16 hectares (40 acres), but also to make sales practically impossible by requiring that the purchaser must actually occupy, improve, and cultivate the premises for five years, during which period, even though he pay the full cash price on the day of sale, he is forbidden to either sell or mortgage or in any way encumber the land? That was not an unreasonable provision where the Government of the United States was giving away its own land; but a most unreasonable condition to impose upon the sale of friar lands purchased by the Philippine Government with its own money and from the sale of which it was to provide the funds for its own reimbursement. The legislative intent must plainly appear before such a construction can be justified.

If the terms and conditions of section 15 apply to lands purchased and sold under authority of section 65, so also must the provisions of section 16, which declares that—

"such public lands of the United States in the actual possession or occupancy of any native of the Philippine Islands shall not be sold by said Government to any other person without the consent thereto of said prior occupant or settler first had and obtained: *Provided*, That the prior right hereby secured to an occupant of land who can show no other proof of title than possession shall not apply to more than 16 hectares in one tract."

Is it reasonable to suppose that Congress intended that limitation to apply to friar lands? Did it intend to prevent the Philippine Government from selling, at all, friar lands in the possession or occupancy of persons who had no title and did not seek to obtain one? Did Congress intend to compel the Philippine Government to buy land upon which there might be settlers without title, which land the settlers were not compelled to buy, but which the Government could never sell without their consent first had and obtained?

Section 65, which authorizes the sale of friar lands "subject to the limitations and conditions provided for in this act," provides that the money realized from the sales of such lands "shall constitute a trust fund for the payment of principal and interest of said bonds." Section 17 requires that "all moneys obtained from lease or sale of the public domain \* \* \* shall be covered into the insular treasury and be subject only to appropriation for insular purposes according to law." Surely it was not intended by section 65 to extend the terms and conditions of section 17 to sales of friar lands.

All the parts of the act must be considered together and given harmonious and reasonable construction so as to effectuate the legislative intent. The words "subject to the limitations and conditions provided for in this act," as found in section 65, are not meaningless nor without effect even if held not to refer to the provisions of sections 12 to 17, which deal with public lands. There are plenty of "limitations and conditions provided for in this act" to which the sales or leases of friar lands are made subject. For instance, that they may not be leased for a period exceeding three years (sec. 65); that deferred payments and interest thereon shall be payable in the money prescribed for the payment of the principal and interest of the friar-land bonds issued in payment for said lands; that the money realized from the sale of lands shall constitute a trust fund and not go into the insular treasury for general purposes; that actual settlers and occupants shall have the preference over all others to lease, purchase, or acquire their holdings; that public works, duly authorized, may be constructed over and upon them (sec. 74); that corporations may not hold more than 1,024 hectares (sec. 75). This provision is general and applies to public lands, private lands, and friar lands alike.

Section 74 bears evidence that the act all the way through recognizes the distinction between lands of the United States and lands of the Philippine Government. It confers authority for public works to be constructed "over and across the public property of the United States and over similar property of the Government of said islands." This important section upon the subject of franchises contains numerous conditions to which friar lands, as well as public lands, are subjected. It provides that "lands or rights of use and occupation of lands thus granted shall revert to the Governments by which they were respectively granted upon the termination of the franchises and concessions under which they were granted or upon their revocation or repeal." That is plainly one of the limitations and conditions subject to which the purchasers may acquire friar lands.

There are many other "limitations and conditions" prescribed in the organic act, general in character, and which may reasonably be construed to have been extended by section 65 to friar lands; but the limitations and conditions specifically imposed by sections 12 to 17 upon the sale and disposal of lands owned by the United States, and which this Government has generously permitted to be sold for the benefit of the Filipino people, can not by any reasonable construction be made to extend to sales by the Philippine Government of lands purchased with its own money from private owners and which never did belong to the United States.

It is quite within the power of the Philippine Legislature to limit the amount of friar lands which may be sold to a single noncorporate purchaser, but it has not done so and Congress has not done so.

In construing the statute we must of course consider all its parts, and may also properly take into consideration the events and conditions which led to its passage. In passing upon the statutory remedy we must consider the mischief for which it was intended to be the cure.



"The legislative department is supposed to have a consistent design or policy and to intend nothing inconsistent or incongruous. The mischief intended to be removed or suppressed or the cause or necessity of any kind which induced the enactment of a law are important factors to be considered in its construction. The purpose for which a law was enacted is a matter of prime importance in arriving at the correct interpretation of its terms." (Lewis's Sutherland Statutory Construction, second edition, sec. 471.)

"The intention of the legislature in enacting a law is the law itself, and must be enforced when ascertained, although it may not be consistent with the strict letter of the statute. Courts will not follow the letter of a statute when it leads away from the intent and purpose of the legislature and the conclusions inconsistent with the general purpose of the act. (Ibid., sec. 363.)

"Statutes are to be construed as may best effectuate the intention of the makers, which sometimes may be collected from the cause or occasion for passing the statute, and where discovered it ought to be followed with judgment and discretion in the construction, though the construction may seem contrary to the letter of the statute." (Big Black Creek Improvement Co. v. Commonwealth, 94 Pa., 450.)

If it be argued that the qualification "subject to the limitations and conditions provided for in this act," as found in section 65, includes necessarily all the limitations and conditions anywhere found in the act, even though they were definitely and distinctly applied in connection with sales of public lands only, the answer is found in the decision of our highest tribunal, as reported in *McKee v. United States*, 164 U. S. 287 (book 41, Lawyers' Co-op. Ed., 487). The fourth section of an act of Congress, approved March 2, 1891, distinctly provided "that any sum or sums of money received into the Treasury of the United States from the sale of lands bid in for taxes in any State under the laws described in the first section of this act, in excess of the tax assessed thereon, shall be paid to the owners of the land so bid in and resold, or to their legal heirs and representatives."

That language was very general, but the Supreme Court of the United States held that it did not apply to all cases. Mr. Justice Peckham, delivering the opinion of the court, said:

"There was added to the act of 1891 the last clause of section 4, which would cover all such cases, and we are of opinion that this last clause does not refer to or cover the cases of those owners who are mentioned in the first clause of the same section. Otherwise this curious result might and in this particular case would follow, etc."

He then proceeds to consider "the contemporaneous history" of the sale of lands under the provisions of the direct-tax act of 1861, and says:

"It is true that if the language used in that last clause be given its widest and broadest application it would include all owners of real estate which had been sold in any portion of the country under the provisions of the direct-tax act. But we think a perusal of the whole act prevents our giving this unlimited construction, because to do so would conflict with what we think was the intention of Congress, gathered from the provisions of the whole act. Under such circumstances it is not only the right but it is the plain duty of the court to limit by a proper construction the otherwise boundless application of the general language used in the statute."

The opinion concludes in these words:

"In this case we think the intention of Congress was plain, and that the general language of the last clause of section 4 should not be held to include the class of owners of lands mentioned in the first clause of the same section, for whose case special provision was therein made."

Applying the principles of construction above set forth, we may well take into consideration the contemporaneous history and the events and conditions which moved Congress to authorize the purchase and sale of these so-called friar lands.

Prior to the Spanish-American War something over 400,000 acres of lands in the Philippine Islands were in the private ownership of the friars. Under the Spanish régime these priests possessed and exercised great power and influence in the communities in which they resided. Some of their estates were unoccupied, but the most of them were thickly peopled. The tenants and subtenants and their families living upon these estates numbered more than 160,000. The Filipino people were engaged in an effort to throw off the tyranny and despotism of Spain. Partly because the friars were not in sympathy with this insurrection, and partly because they were alleged to be oppressive and unsatisfactory landlords, the tenants turned upon them. The priests were driven from their parishes and fled to the city of Manila, where they were found when the Americans took possession of the islands. When the Americans had assumed control the friars insisted upon their rights. The tenants repudiated their obligations to the friars as landlords and refused either to surrender possession of, or to pay rent for, the lands they occupied. The American Government now faced the same serious and disturbing agrarian troubles which had caused the Spanish Government so much annoyance and disaster. That was the mischief. The remedy was to get these lands away from the friars and into an ownership which the tenants would respect. To apply this remedy it became necessary for Congress to provide a way whereby the Philippine Government could itself acquire the lands from the friars. This was accomplished by authorizing that Government to issue its own bonds and apply the proceeds to the purchase of the lands. It was also necessary to provide a method whereby the Philippine Government could provide for the payment of the bonded obligations thus incurred.

This Congress sought to accomplish by authorizing the sale of the lands and requiring the proceeds to be put into a trust fund for the payment of the principal and interest of the bonds. As a further and very necessary means of securing permanent freedom from such troubles as existed, Congress provided that the tenants should themselves have the first right to purchase, and thus acquire ownership of the lands upon which they had lived. Should they not purchase, then the lands were to be sold to others. Public lands of the United States in the Philippine Islands were, by Congress, substantially open to homestead entry, under rigid conditions prescribed in the organic act itself. People who had occupied them for the time, specified in the act, were to be given patents without compensation. The object of disposing of these public lands was not so much to secure funds as to induce the Filipino people to occupy and cultivate them. They were, and are, almost wholly unoccupied. With the friar lands, the case was quite different. Most of them were already in occupation and under cultivation. The object of their sale was to acquire funds with which to repay the money borrowed by the Philippine Government for their purchase. This work would have been defeated by applying to them the conditions of section 15 touching public lands of the United States, under which section the purchaser was not only limited to 16 hectares,

but was also prevented from selling, leasing, mortgaging, or otherwise encumbering his land for five years after he had paid for and acquired title. The fact that early sales of friar lands were contemplated by the act is manifest from the fact that, while no limit of time was placed upon leases of public lands, friar lands could be leased only "temporarily for a period not exceeding three years." These leases were made temporary, so that they might not obstruct the sales, which were clearly contemplated and from the funds of which the Philippine Government was to reimburse itself. The practical effect of the conditions imposed by section 15 is well illustrated in the island of Mindoro, where public lands have been offered subject to those conditions at \$2 per acre, with not a single purchaser, while friar lands immediately adjoining but without the same onerous conditions, have been sold at more than \$6 per acre.

Arising out of this friar-land transaction, the Philippine Government has a bonded indebtedness of \$7,000,000, with an annual interest charge of \$280,000 thereon. Can it reasonably be assumed that Congress intended that Government to bear this onerous burden itself and to impose upon it the necessity of taxing the Filipino people to meet these obligations, by depriving them of the opportunity to sell, at a fair price and on such terms as they might impose, the very lands for which the indebtedness had been incurred? There were certainly hundreds, perhaps thousands, of tenants of friar lands, each owning more than 16 hectares. To have limited their rights of purchase to that amount of land, ejecting them from the excess, would have aggravated the very difficulty which Congress sought to allay.

A careful study of the organic act in all its parts, taking into account the history of the times and the objects sought to be accomplished, leads to the conclusion that the homestead provisions of sections 12 to 17, relating to public lands of the United States, do not and were not intended to apply to friar lands acquired and sold under the provisions of section 65, and that the act fixes no limit to the quantity of friar lands which may be sold to purchasers other than corporations. It is, as already pointed out, within the power and authority of the Philippine Legislature to limit the amount that may be sold to a single person.

#### ADJOURNMENT.

Mr. JONES. Mr. Speaker, I do not believe anybody else wishes to address the House, and therefore I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned until Thursday, May 2, 1912, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Department of Commerce and Labor, giving department views on H. R. 19545, a bill relating to the immigration act of 1907 (H. Doc. No. 725), was taken from the Speaker's table, referred to the Committee on Immigration and Naturalization, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DIXON of Indiana, from the Committee on Ways and Means, to which was referred the bill (H. R. 13392) to repeal section 2048 of the Revised Statutes of the United States, 1878, being an act entitled "An act authorizing the surveyors of collection districts to sell blank manifests and clearances, etc., in the northeastern and northwestern frontiers, etc.," reported the same without amendment, accompanied by a report (No. 630), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EVANS, from the Committee on Military Affairs, to which was referred the bill (H. R. 23668) for the erection of a mortuary and memorial chapel in Arlington Cemetery, reported the same with amendment, accompanied by a report (No. 634), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 23570) to authorize the coinage of 3-cent pieces and one-half-cent pieces, and for other purposes, reported the same with amendment, accompanied by a report (No. 636), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, reported the same with amendment, accompanied by a report (No. 637), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUMPHREYS of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the



bill (H. R. 23470) to protect American trade and American shipping from foreign monopolies, reported the same without amendment, accompanied by a report (No. 632), which said bill and report were referred to the House Calendar.

Mr. GARRETT, from the Committee on Insular Affairs, to which was referred the joint resolution (H. J. Res. 278) to authorize the President of the United States to secure the neutralization of the Philippine Islands and the recognition of their independence by international agreement, reported the same without amendment, accompanied by a report (No. 635), which said bill and report were referred to the House Calendar.

Mr. MOORE of Pennsylvania, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 299) proposing an international maritime conference, reported the same with amendment, accompanied by a report (No. 633), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAMILTON of West Virginia, from the Committee on Invalid Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 629), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLINE: A bill (H. R. 24017) to amend section 4488 of the Revised Statutes of the United States and define the character of life-saving equipment to be carried; to the Committee on the Merchant Marine and Fisheries.

By Mr. PARRAN: A bill (H. R. 24018) for the widening and deepening of the Craighill Channel at Rock Point, near the mouth of the Patapsco River, and the widening and deepening of the channel and the removal of the White Rocks at the entrance of Rock Creek, in the Chesapeake Bay, in the State of Maryland; to the Committee on Rivers and Harbors.

By Mr. HAMILTON of Michigan: A bill (H. R. 24019) granting a pension to persons who are deaf or partially deaf from causes arising while in the military service of the United States; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 24020) to amend section 38 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

Also, a bill (H. R. 24021) to amend section 38 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. MANN: A bill (H. R. 24022) providing for rates of postage on fourth-class mail matter, for the appointment of the parcel transportation commission, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of South Carolina: A bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HAYES: A bill (H. R. 24024) increasing the cost of erecting a public building at Santa Barbara, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. ALEXANDER: A bill (H. R. 24025) to amend sections 4400 and 4488 of the Revised Statutes of the United States relating to the inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operators for radiocommunication on certain ocean-going steamers; to the Committee on the Merchant Marine and Fisheries.

By Mr. BRANTLEY: A bill (H. R. 24026) to incorporate the Naval History Society; to the Committee on the Library.

By Mr. MOORE of Pennsylvania: A bill (H. R. 24027) making an appropriation to defray the expenses of delegates to the Permanent International Commission of Road Congresses; to the Committee on Agriculture.

By Mr. AUSTIN: A bill (H. R. 24028) authorizing and permitting the Tennessee Hydroelectric Co., its successors and

assigns, to build and maintain dams and water-power development in and across Clinch and Powell Rivers, in Anderson County, State of Tennessee; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDELL of Louisiana: A bill (H. R. 24029) to provide for emergency crops on overflowed lands in the south Mississippi Valley; to the Committee on Agriculture.

By Mr. KINKEAD of New Jersey: A bill (H. R. 24030) making appropriation for the further improvement of the Hudson (North) River Channels of New York Harbor, N. Y.; to the Committee on Rivers and Harbors.

By Mr. BURNETT: Resolution (H. Res. 518) setting date for consideration and vote on House bill 22527; to the Committee on Rules.

By Mr. PUJO: Resolution (H. Res. 519) authorizing the payment of expenses incurred by the Committee on Banking and Currency; to the Committee on Accounts.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 312) making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys; to the Committee of the Whole House on the state of the Union.

By Mr. CLAYTON: Joint resolution (H. J. Res. 313) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Memorial of the Legislature of the State of Massachusetts, favoring the passage of House bill 36, providing for protection of migratory game birds; to the Committee on Agriculture.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAMILTON of West Virginia: A bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ADAIR: A bill (H. R. 24031) granting an increase of pension to Cyrus A. Moneysmith; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Minnesota: A bill (H. R. 24032) granting a pension to Lucie Bostian; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 24033) granting a pension to Margaret A. Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24034) granting an increase of pension to William T. Mahan; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 24035) granting an increase of pension to James W. Whyde; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 24036) granting an increase of pension to Robert Barrett; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 24037) granting an increase of pension to Charles Schlaburg; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 24038) to amend the naval record of Thomas Mooney; to the Committee on Naval Affairs.

By Mr. CATLIN: A bill (H. R. 24039) to correct the military record of Horace McMellon; to the Committee on Military Affairs.

By Mr. COX of Indiana: A bill (H. R. 24040) granting a pension to the children of Preston Decker, deceased; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 24041) granting a pension to William Warner, alias Samuel Mee; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 24042) to reappropriate certain money for the purpose of paying the claim of John E. Meyer; to the Committee on Indian Affairs.

By Mr. DONOHUE: A bill (H. R. 24043) for the relief of Einar Barford; to the Committee on Claims.

By Mr. FERGUSSON: A bill (H. R. 24044) for the relief of the heirs of Francisco Gonzalez; to the Committee on Claims.

By Mr. FIELDS: A bill (H. R. 24045) granting an increase of pension to Francis Marion Sanders; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 24046) granting a pension to Frank Sanford Stirling; to the Committee on Pensions.

By Mr. GOEKE: A bill (H. R. 24047) granting a pension to Mary F. Hess; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 24048) authorizing the Secretary of War to place the name of George D. Arnold on the rolls



of Company E, Fifteenth Regiment Maine Volunteers, and issue him an honorable discharge; to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 24049) granting an increase of pension to W. R. Young; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 24050) for the correction of the military record of David Walker; to the Committee on Military Affairs.

By Mr. KORBLY: A bill (H. R. 24051) granting an increase of pension to Andrew J. Grayson; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 24052) granting an increase of pension to William Coyle; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 24053) granting an increase of pension to Jacob Jones; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 24054) granting an increase of pension to Myron E. Northway; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 24055) granting an increase of pension to Alvira F. Mitchell; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 24056) granting a pension to Homer C. Putman; to the Committee on Pensions.

Also, a bill (H. R. 24057) granting a pension to James W. Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24058) granting an increase of pension to James Allensworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24059) granting an increase of pension to J. M. Burson; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 24060) for the relief of the estate of Kelita Suit, deceased; to the Committee on War Claims.

By Mr. RANDELL of Texas: A bill (H. R. 24061) for the relief of the estate of James B. Ogletree, deceased; to the Committee on War Claims.

By Mr. ROTHERMEL: A bill (H. R. 24062) granting an increase of pension to Erastus W. S. Kintzel; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 24063) granting a pension to Walter Johnson; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 24064) granting a pension to Mary Siegel; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 24065) granting an increase of pension to John D. Abell; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 24066) granting an increase of pension to Mary L. Parker; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of A. T. Abraham and 11 others, of Lake City, Minn., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Petition of Clarence Sharon and other citizens of Tupelo, Kans., protesting against adoption of Taylor system in Government shops; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of cashiers of chapters of the American Insurance Union, State of Ohio, favoring passage of Dodds amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of James Welsh and 20 other citizens of Newark, Ohio, against passage of interstate-commerce liquor legislation; to the Committee on the Judiciary.

Also, petition of Porter & Bonham and 10 other merchants of Shreve, Ohio, asking that Congress give the Interstate Commerce Commission further power to control express companies; to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Papers to accompany bill for increase of pension of Robert Barrett; to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of Associated Fraternities of America, Lincoln, Nebr., favoring the passage of the Dodds amendment to the House postal appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. DANFORTH: Petition of Coopers' International Union, No. 24, of Rochester, N. Y., against the enactment of House bill 17593; to the Committee on the Judiciary.

Also, petition of Frank W. McHugh Co., of Rochester, N. Y., favoring the passage of House bill 22766, relative to coupons in tobacco packages; to the Committee on Ways and Means.

By Mr. DAVENPORT: Papers to accompany bill for the relief of William Warner; to the Committee on Invalid Pensions.

By Mr. DYER: Petition of citizens of St. Louis, Mo., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the Geo. F. Dittmann Boot & Shoe Co., of the Dry Goods Man & General Merchant, of the Roberts, Johnson & Rand Shoe Co., of Reeves & Co., of the Multiplex Display Fixture Co., of the Business Men's League, and of the Eddy & Eddy Manufacturing Co., all of St. Louis, Mo., for appropriations to raise the levees of the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the St. Louis Metal Trades Association, of St. Louis, Mo., against passage of the Bartlett bill; to the Committee on the Judiciary.

By Mr. FITZGERALD: Papers to accompany bill for increase of pension of Alexander W. Hicks (H. R. 23485); to the Committee on Invalid Pensions.

By Mr. FOSS: Petition of citizens of Chicago, Ill., relative to operation of corporation tax; to the Committee on Ways and Means.

Also, petition of citizens of State of Illinois, against passage of Senate bill 1 for establishment of an independent bureau of health; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: Petition of Fremont Post, No. 29; of Howard Post, No. 28; of U. S. Grant Post, No. 32; and of G. A. Hobart Post, No. 27, Grand Army of the Republic, of the State of Idaho, favoring passage of House bill 14070 for the relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, petitions of Posts Nos. 33, 5, and 9, Grand Army of the Republic, for enactment of House bill 14070; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of National Association of Life Insurance Policy Holders, of Chicago, Ill., favoring the passage of the Foss bill, to amend the corporation-tax law, etc.; to the Committee on Ways and Means.

Also, petition of F. O. Van Galder, editor Modern Woodmen of America, of Rock Island, Ill., favoring the passage of the Dodds amendment to the Post Office appropriation bill relating to publications issued by fraternal societies; to the Committee on the Post Office and Post Roads.

Also, petition of Dickerman & Co., of Sandwich, Ill., in opposition to the passage of House bills 23192 and 23193, to amend patent laws, etc.; to the Committee on Patents.

By Mr. HANNA: Petition of citizens of Nameless, N. Dak., favoring passage of Postal Progress League parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of Sargent Sunday School Association, Forman, N. Dak., favoring passage of the Kenyon-Sheppard interstate liquor bill (H. R. 16214), to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, petition of merchants and dealers of Edgeley, N. Dak., in opposition to any change that would prevent the manufacturer from fixing and enforcing retail prices on his patented goods; to the Committee on Patents.

By Mr. HAYES: Petition of Fort Ramie Grange, No. 358, Soledad, Cal., favoring passage of parcel-post system and opposing 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, petition of Lindsay Center of California Civic League, Lindsay, Cal., favoring ample appropriation for the enforcement of the white-slave traffic act; to the Committee on Appropriations.

Also, petitions of William R. Shannon and J. C. Hamilton, of San Jose, Cal., favoring the passage of House bill 20487, for the Federal accident-compensation act to become a law; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Gilroy, Cal., favoring passage of Haugen bill (H. R. 21225) and defeat of the Lever bill (H. R. 20281); to the Committee on Agriculture.

Also, petition of Retail Druggists' Association, San Francisco, Cal., for the defeat of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the New York State Mayors' Conference, for improved life-saving facilities on ocean vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the California Wholesale Grocers' Association, of the State of California, favoring the passage of the Stevens bill; to the Committee on Interstate and Foreign Commerce.



Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring passage of House bill 17736, for reducing the rate on letter postage to 1 cent per ounce; to the Committee on the Post Office and Post Roads.

Also, petition of J. Kelleher, San Jose, Cal., favoring passage of House bill 20487, for the Federal accident compensation act to become a law; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of San Francisco, Cal., for recognition of Chinese Republic; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of Palo Alto, Cal., favoring passage of Haugen bill (H. R. 21225) and defeat of Lever bill (H. R. 20281); to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of Sacramento, Cal., favoring passage of House bill 19476, for increasing the California Redwood Park; to the Committee on the Public Lands.

By Mr. KAHN: Petition of Retail Druggists' Association of San Francisco, Cal., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Chamber of Commerce of San Francisco, Cal., submitting amendments of Shipowners' Association of Pacific Coast relative to House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Labor Council of San Francisco, Cal., favoring passage of House bill 11372, known as the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Carpenters' Union, Local No. 1082, San Francisco, Cal., favoring passage of House bill 22339, in opposition to the stop-watch system on Government employees; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of E. A. Schweiger, of Brooklyn, N. Y., against changing laws bearing on manufactured articles covered by patents; to the Committee on the Judiciary.

Also, petition of Dr. Abram Posner, Brooklyn, N. Y., against passage of House bills 11380 and 11381; to the Committee on the Judiciary.

Also, petition of Simpson-Crawford Co. and the Fourteenth Street Store, favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Jewish community of New York City, against the educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. PARRAN: Papers to accompany bill granting a pension to Edith Mason (H. R. 23228); to the Committee on Pensions.

By Mr. RUCKER of Colorado: Petition of Herman Jansson and others of Denver, Colo., favoring passage of an old-age pension law; to the Committee on Pensions.

By Mr. STEPHENS of California: Resolution of the Sailors' Union of the Pacific, urging passage of the seamen's bill (H. R. 11372); to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Petition of the Surburg Co., of New York City, against passage of the anticoupon bill; to the Committee on Ways and Means.

By Mr. TILSON: Petition of New Haven Caledonian Club, of New Haven, Conn., favoring legislation for better class of immigrants to the United States; to the Committee on Immigration and Naturalization.

Also, petition of the Billings & Spencer Co., of Hartford, and the Edward P. Judd Co., of New Haven, Conn.; to the Committee on Patents.

By Mr. WILSON of New York: Petition of citizens of the State of New York, relative to operation of the corporation-tax law; to the Committee on Ways and Means.

Also, petition of the Jewish community of New York City, against passage of educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Medical Society of the State of New York, favoring passage of bill for a national department of health at Washington, D. C.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the West End Citizens' League, of Woodhaven, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of merchants of Brooklyn, N. Y., favoring passage of Senate bill 6103 and House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Catholic Mutual Benefit Association, of Thornell, N. Y., favoring passage of Dodds amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

## SENATE.

THURSDAY, May 2, 1912.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

THANKS OF THE PEOPLE OF CHINA (S. DOC. NO. 641).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting for the information of the Senate a copy of a note from the Chinese minister, expressing the thanks of the people of China for the message of congratulation and confidence set forth in the concurrent resolution adopted by the Senate on April 17, 1912, which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed.

## PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Seventh-day Adventist Church of Middletown, N. Y., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. BURTON presented memorials of sundry citizens of Putnam County, Ohio, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

Mr. CULLOM presented a memorial of sundry citizens of Alton, Ill., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented a memorial of the Illinois Lumber and Builders Supply Dealers' Association, remonstrating against the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented a petition of the Peoria Cooperative Cigar Co., of Illinois, praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

He also presented a petition of members of the St. Peter's Men's Society of St. Peter's Cathedral, of Belleville, Ill., praying for the appointment of a Federal commission on industrial relations, which was referred to the Committee on Education and Labor.

Mr. NELSON presented resolutions adopted by members of the Civic and Commerce Association of Minneapolis, Minn., favoring the adoption of certain amendments to the immigration law, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Nicollet, Minn., remonstrating against the enactment of legislation to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of the Wholesalers' Board of Trade, of San Diego, Cal., remonstrating against the enactment of legislation to prohibit the towing of log rafts through the open sea, which was referred to the Committee on Commerce.

He also presented a petition of the Mare Island Branch, United States Civil Service Retirement Association, of California, praying for the passage of the so-called Cummins civil service retirement bill, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a telegram in the nature of a memorial from J. F. O'Brien, secretary of the Railroad Brotherhood's legislative board of California, of Bakersfield, Cal., remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented resolutions adopted by members of the Sailors' Union of the Pacific, favoring the enactment of legislation to safeguard life and property at sea, which were referred to the Committee on Commerce.

Mr. McLEAN. I present resolutions adopted by members of the Arkwright Club, remonstrating against the adoption of the Covington amendment to the Panama Canal bill. I ask that the resolutions be printed in the RECORD and referred to the Committee on Inter-oceanic Canals.

There being no objection, the resolutions were referred to the Committee on Inter-oceanic Canals and ordered to be printed in the RECORD, as follows:

We, the undersigned members of the Arkwright Club, being actively interested in the manufacture of cotton goods in New England, understand that the Covington amendment, so called, to the bill now before